9-18-89
Vol. 54 No. 179

federal register

Monday
September 18, 1989

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

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SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

9-18-89
Vol. 54 No. 179
Pages 38369-38506

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Briefings on How To Use the Federal Register
For information on briefings in Washington, DC, and Atlanta, GA, see announcement on the inside cover of this issue.

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WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

ATLANTA, GA

WHEN: September 20; at 9:00 a.m.
WHERE: Room 808, 75 Spring Street, SW.
Richard B. Russell Federal Building
Atlanta, GA
RESERVATIONS: Call the Federal Information Center
404–331–6895

WASHINGTON, DC

WHEN: September 25; at 9:00 a.m.
WHERE: Office of the Federal Register
First Floor Conference Room
1100 L Street NW., Washington, DC
RESERVATIONS: 202–523–5240

Contents

Federal Register

Vol. 54, No. 179

Monday, September 18, 1989

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
6021 38369
Administrative Orders:
Presidential Determinations:
No. 89-24 of
Aug. 25, 1989 38371

7 CFR
301 38494
910 38373

8 CFR
Proposed Rules:
287 38387

12 CFR
265 38373

21 CFR
436 38374
448 38376
455 38374

23 CFR
Proposed Rules:
625 38387
655 38387

30 CFR
652 38377
890 38377

33 CFR
Proposed Rules:
117 (2 documents) 38388, 38389

37 CFR
Proposed Rules:
201 38390

40 CFR
721 38381

44 CFR
Proposed Rules:
67 38392

45 CFR
Proposed Rules:
1214 38401

46 CFR
Proposed Rules:
170 38410
171 38410
173 38410
175 38410
176 38410
177 38410
178 38410
179 38410
180 38410
181 38410
182 38410
183 38410
184 38410
185 38410

49 CFR
571 38385

50 CFR
285 38386

Federal Register
Vol. 54, No. 179
Monday, September 18, 1989

Presidential Documents

Title 3—

The President

Proclamation 6021 of September 14, 1989

National Hispanic Heritage Month, 1989

By the President of the United States of America

A Proclamation

Ever since Hispanic explorers discovered the vast, uncharted territory of the New World nearly half a millenium ago, men and women of Spanish and Latin American descent have made major contributions to the development of our country. America's oldest city, St. Augustine, Florida, was founded by Spanish peoples more than 25 years before the settlement of Jamestown. Many of our Nation's oldest churches, which continue to enrich the spiritual life of our Nation, were founded by Hispanic pioneers. These enterprising individuals shaped the character of the entire American Southwest, applying their strength and skill to ranching and mining, and building vibrant communities on once-barren tracts of land. However, the influence of Hispanic Americans has not been confined to the Southwest.

Nurtured by their rich ethnic heritage and inspired by their faith in the principles upon which this country was founded, Hispanic Americans have continued to make their mark across the country and in virtually every aspect of American life. During World War II, Hispanic Americans revealed the depth of their patriotism and love of liberty, serving with distinction from the Bataan Peninsula to North Africa. Men such as Private Silvestre Herrera of Arizona, who fought courageously against German forces in France, and Lieutenant Colonel Jose Holguin of California, who proved to be an outstanding navigator among U.S. bomber forces in the Pacific, were not alone in their heroic efforts during the war. A number of Hispanic American servicemen were among those who earned the Congressional Medal of Honor, the Distinguished Service Cross, as well as the Silver Star and the Bronze Star.

Today, Hispanic Americans are leaders in government, business, education, sports, science, and the arts. Hispanic artists have made notable achievements in both classical and popular music; and the works of talented Hispanic sculptors and painters—such as Luis Jiminez, Edward Chavez, and Juan Gomez-Quiroz—grace many of our Nation's art galleries. Hispanic Americans occupy positions of leadership throughout our system of government, serving as councilmen, mayors, governors, and as members of State legislatures, the Congress, and the Cabinet.

Not all of the contributions made by Hispanic Americans to our society are so visible or so widely celebrated, however. Hispanic Americans have enriched our Nation beyond measure with the quiet strength of closely knit families and proud communities. Many have come to the United States in search of the freedom and opportunity denied to them by Marxist-Leninist regimes in their ancestral homelands. Industrious and determined, they have not only reaped the rewards of freedom, but also shared with their children a profound understanding of the rights and responsibilities we have as citizens of a free Nation. Their faith in the promise of America has been exceeded only by their faith in God.

The rich ethnic heritage of Hispanic Americans gives us cause to celebrate because it is a proud and colorful portion of our Nation's heritage. Hispanic Americans have reaffirmed our belief in the principles of liberty and democratic government, and they have helped to share that vision with our

neighbors in Central and South America and the Caribbean. This month, as we recognize the many achievements of Hispanic Americans, we also recall the universal appeal of the American ideal of freedom and opportunity for all.

In recognition of the outstanding achievements of Hispanic Americans, the Congress, by Joint Resolution approved September 17, 1968 (Public Law 90–498), as amended, has authorized and requested the President to issue annually a proclamation designating the month beginning September 15 and ending October 15 as "National Hispanic Heritage Month."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month beginning September 15, 1989, and ending October 15, 1989, as National Hispanic Heritage Month. I call upon the people of the United States to observe this month with appropriate ceremonies and activities, and I urge them to reaffirm their devotion to the principles of freedom and individual dignity—the common heritage of all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and fourteenth.

George Bush

[FR Doc. 89–22146
Filed 9–14–89; 5:05 pm]
Billing code 3195–01–M

Presidential Documents

Presidential Determination No. 89–24 of August 25, 1989

Determination To Authorize the Furnishing of Immediate Military Assistance to Colombia and the Provision of Training to Law Enforcement Personnel

Memorandum for the Secretary of State

Pursuant to the authority vested in me by Section 506(a) of the Foreign Assistance Act of 1961, as amended ("the Act"), 22 U.S.C. 2318(a), I hereby determine that:

1. an unforeseen emergency exists which requires immediate military assistance to Colombia; and

2. the aforementioned emergency requirement cannot be met under the authority of the Arms Export Control Act or any other law except Section 506(a) of the Act.

Therefore, I hereby authorize the furnishing of up to $65 million in defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training to Colombia under the provisions of Chapters 2 and 5 of Part II of the Act.

Pursuant to the authority vested in me by section 614(a)(1) of the Act, 22 U.S.C. 2364(a)(1), I hereby determine that it is important to the security interests of the United States to provide training, advice or financial support for police, prisons or other law enforcement forces of the Government of Colombia, notwithstanding the provisions of section 660(a) of the Act, 22 U.S.C. 2420(a).

You are authorized and directed to report this determination to the Congress immediately and to publish it in the **Federal Register**.

George Bush

THE WHITE HOUSE,
Washington, August 25, 1989.

[FR Doc. 89–22125
Filed 9–14–89; 3:42 pm]
Billing code 3195–01–M

Rules and Regulations

Federal Register
Vol. 54, No. 179
Monday, September 18, 1989

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 683]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 683 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 310,000 cartons during the period September 17 through September 23, 1989. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 683 (7 CFR part 910) is effective for the period September 17 through September 23, 1989.

FOR FURTHER INFORMATION CONTACT: Beatriz Rodriguez, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 475–3861.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 85 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2500 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona lemons may be classified as small entities.

This regulation is issued under Marketing Order No. 910, as amended [7 CFR part 910], regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601–674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administration Committee (Committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the California-Arizona lemon marketing policy for 1989–90. The Committee met publicly on September 13, 1989, in Yuma, Arizona, to consider the current and prospective conditions of supply and demand and, by a 7 to 4 vote, recommended a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports that overall demand for lemons is excellent.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Arizona, California, Lemons, Marketing agreements and orders.

For the reasons set forth in the preamble, 7 CFR part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR part 910 continues to read as follows:

Authority: Sections 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 910.983 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.983 Lemon Regulation 683.

The quantity of lemons grown in California and Arizona which may be handled during the period September 17, 1989 through September 23, 1989 is established at 310,000 cartons.

Dated: September 14, 1989.

Eric M. Forman,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 89–22082 Filed 9–15–89; 8:45 am]
BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R–0673]

Delegation of Authority to the Staff Director of the Division of Banking Supervision and Regulation Pursuant to 12 U.S.C. 1843(c)(8)

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is revising paragraph (30) of § 265.2(c) of its Rules Regarding Delegation of Authority (12 CFR 265.2(c)) to delegate to the Staff Director of the Division of Banking Supervision and Regulation the authority to approve applications requiring prior approval of the Board if immediate or expeditious action is required to avert failure of a savings association.

EFFECTIVE DATE: September 18, 1989.

FOR FURTHER INFORMATION CONTACT: Scott G. Alvarez, Assistant General Counsel (202) 452-3583, or Thomas M. Corsi, Attorney, Legal Division (202) 452-3275. For the hearing impaired only, Telecommunications Device for the Deaf (TDD), Earnestine Hill or Dorothea Thompson (202) 452-3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), the Board certifies that the proposed amendment will not have a significant economic impact on a substantial number of small entities. The proposed amendment does not have particular effect on small entities.

Public Comment

The provisions of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective date have not been followed in connection with the adoption of this amendment because the change to be effected is procedural in nature and does not constitute a substantive rule subject to the requirements of that section. The Board's expanded rule making procedures have not been followed for the same reason.

List of Subjects in 12 CFR Part 265

Authority delegations (Government agencies), Banks, Banking, Federal Reserve System.

For the reasons set forth above, 12 CFR part 265 is amended as follows:

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

1. The authority citation for Part 265 continues to read as follows:

Authority: Section 11(k), 38 Stat. 261 and 80 Stat. 1314; 12 U.S.C. 248(k).

2. Paragraph (c)(30) of § 265.2 is revised to read as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

* * * * *

(c) * * *

(30) Under the provisions of sections 3(a) and 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1842(a) and 1843(c)(8)) and the Change In Bank Control Act (12 U.S.C. 1817(j)) to take actions the Reserve Bank could take under paragraphs (f)(22) and (f)(28) of this section if immediate or expeditious action is required to avert failure of a bank or savings association, or because of an emergency.

* * * * *

By order of the Board of Governors of the Federal Reserve System, September 12, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-21926 Filed 9-15-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 436 and 455

[Docket No. 89N-0199]

Antibiotic Drugs; Rifampin for Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new dosage form of rifampin, rifampin for injection. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective October 18, 1989; comments, notice of participation, and request for a hearing by October 18, 1989; data, information, and analyses to justify a hearing by November 17, 1989.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Peter A. Dionne, Center for Drug Evaluation and Research (HFD-520), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new dosage form of rifampin, rifampin for injection. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended by adding new 21 CFR 436.365 and 455.270 to provide for the inclusion of accepted standards for this product.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Submitting Comments and Filing Objections

This final rule announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this final rule is not controversial and because when effective it provides notice of accepted standards, FDA finds that notice and comment procedure is unnecessary and not in the public interest. This final rule, therefore, is effective October 18, 1989. However, interested persons may, on or before October 18, 1989, submit comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this final rule may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before October 18, 1989, a written notice of participation and request for hearing, and (2) on or before November 17, 1989, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact

precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 436

Antibiotics.

21 CFR Part 455

Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 436 and 455 are amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. The authority citation for 21 CFR part 436 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

2. New § 436.365 is added to subpart F to read as follows:

§ 436.365 Thin layer chromatographic identity test for rifampin.

(a) *Equipment*—(1) *Chromatography tank.* Use a rectangular tank approximately 23×23×9 centimeters, with a glass solvent trough on the bottom and a tight-fitting cover, lined with Whatman #3MM chromatographic paper or equivalent.

(2) *Plates.* Use 20×20 centimeter thin layer chromatography plates coated with silica gel 60 F–254 or equivalent to a thickness of 250 microns.

(b) *Developing solvent.* Mix chloroform and methanol in volumetric proportions of 90:10, respectively.

(c) *Spotting solutions*—(1) *Preparation of working standard solution.* Dissolve approximately 50 milligrams of rifampin working standard in 5 milliliters of chloroform.

(2) *Preparation of sample solution.* Dissolve the contents of a sample vial in 60 milliliters of chloroform.

(d) *Procedure.* Pour the developing solvent into the glass trough on the bottom of the tank and onto the paper lining the walls of the tank. Cover and seal the tank. Allow it to equilibrate. Prepare a plate as follows: On a line 2.5 centimeters from the base of the thin layer chromatography plate and at intervals of 2.0 centimeters, spot 3 microliters of the working standard solution to points 1 and 3. When these spots are dry, apply 3 microliters of the sample solution to points 2 and 3. After all the spots are thoroughly dry, place the plate into the trough in the bottom of the tank. Cover and tightly seal the tank. Allow the solvent front to travel about 7 centimeters from the starting line. Remove the plate from the tank and air dry.

(e) *Evaluation.* Measure the distance the solvent front traveled from the starting line, and the distance the red spots are from the starting line. Divide the latter by the former to calculate the R_f value. Rifampin appears as a red spot. The test is satisfactory if the R_f value of the sample compares with that of the working standard. The combined spot should appear as a single spot of corresponding R_f value.

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

3. The authority citation for 21 CFR part 455 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

4. New § 455.270 is added to subpart C to read as follows:

§ 455.270 Rifampin for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Rifampin for injection is a dry mixture of rifampin, sodium formaldehyde sulfoxylate, and sodium hydroxide. Its potency is 600 milligrams per vial. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rifampin that it is represented to contain. It is sterile. It is nonpyrogenic. Its moisture content is not more than 3.0 percent. Its pH is not less than 7.8 and not more than 8.8. It passes the identity test. The rifampin used conforms to the standards prescribed by § 455.70(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(A) The rifampin used in making the batch for potency, loss on drying, pH, absorptivity, identity, and crystallinity.

(B) The batch for potency, sterility, pyrogens, moisture, pH, and identity.

(ii) Samples, if required by the Director, Center for Drug Evaluation and Research.

(A) The rifampin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(B) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove the withdrawable contents from each container represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the preparation, withdraw an accurately measured volume from each container. Dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1) to give a stock solution of 1.0 milligram of rifampin per milliliter (estimated). Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 5.0 micrograms of rifampin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 10 milligrams of rifampin per milliliter.

(4) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using a concentration of 60 milligrams of rifampin per milliliter.

(6) *Identity.* Proceed as directed in § 436.365 of this chapter.

Dated: September 7, 1989.

Sammie R. Young,

Deputy Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 89-21870 Filed 9-15-89; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 448

[Docket No. 89N-0198]

Antibiotic Drugs; Polymyxin B Sulfate-Trimethoprim Hemisulfate Ophthalmic Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new dosage form of polymyxin B sulfate, polymyxin B sulfate-trimethoprim hemisulfate ophthalmic solution. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective October 18, 1989; comments, notice of participation, and request for hearing by October 18, 1989; data information, and analyses to justify a hearing by November 17, 1989.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Peter A. Dionne, Center for Drug Evaluation and Research (HFD-520), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new dosage form of polymyxin B sulfate, polymyxin B sulfate-trimethoprim hemisulfate ophthalmic solution. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended by adding new 21 CFR 448.330 to subpart D to provide for the inclusion of accepted standards for this product.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Submitting Comments and Filing Objections

This final rule announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this final rule is not controversial and because when effective it provides notice of accepted standards, FDA finds that notice and comment procedure is unnecessary and not in the public interest. This final rule, therefore, is effective October 18, 1989. However, interested persons may, on or before October 18, 1989, submit comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this final rule may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before October 18, 1989, a written notice of participation and request for hearing, and (2) on or before November 17, 1989, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 448

Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 448 is amended as follows:

PART 448—PEPTIDE ANTIBIOTIC DRUGS

1. The authority citation for 21 CFR part 448 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

2. Section 448.330 is added to subpart D to read as follows:

§ 448.330 Polymyxin B sulfate-trimethoprim hemisulfate ophthalmic solution.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* Polymyxin B sulfate-trimethoprim hemisulfate ophthalmic solution contains, in each milliliter, 10,000 units of polymyxin B and 1.0 milligram of trimethoprim in a suitable and harmless isotonic aqueous vehicle. It may contain one or more suitable and harmless buffers and preservatives. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of polymyxin B that it is represented to contain. Its trimethoprim content is satisfactory if it is not less than 90 percent and not more than 110 percent of the number of milligrams of trimethoprim that it is represented to contain. It is sterile. Its pH is not less than 3.0 and not more than 5.5. The polymyxin B sulfate used conforms to the standards prescribed by § 448.30(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(A) The polymyxin B sulfate used in making the batch for potency, loss on drying, pH, and identity.

(B) The trimethoprim used in making the batch for all U.S.P. specifications.

(C) The batch for polymyxin B content, trimethoprim content, sterility, and pH.

(ii) Samples if required by the Director, Center for Drug Evaluation and Research:

(A) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(B) The trimethoprim hemisulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(C) The batch:

(*1*) For all tests except sterility: A minimum of 7 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Polymyxin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with 10 percent potassium phosphate buffer, pH 6.0 (solution 10), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Trimethoprim content.* Proceed as directed in § 436.216 of this chapter, using ambient temperature, an ultraviolet detection system operating at a wavelength of 254 nanometers, and a column packed with octyl, octadecyl, or phenyl groups chemically bonded to porous silica ranging from 3 to 10 micrometers in particle size. Reagents, working standard solution, sample solution, resolution test solution, system suitability requirements and calculations are as follows:

(i) *Reagents*—(A) *Diluting fluid.* 13 percent acetonitrile in 0.01*M* hydrochloric acid.

(B) *Mobile phase.* Mix 0.015*M* ethanesulfonic acid in acetonitrile: water (130:870) and adjust to pH 3.5 with 50 percent w/w sodium hydroxide and hydrochloric acid solution. Filter the mobile phase through a suitable filter capable of removing particulate matter to 0.5 micron in diameter. Degas the mobile phase just prior to its introduction into the chromatograph.

(ii) *Preparation of working standard, sample, and resolution test solutions*—(A) *Working standard solution.* Place approximately 40 milligrams of trimethoprim working standard, accurately weighed, into a 50-milliliter volumetric flask. Dissolve and dilute to volume with 13 percent acetonitrile in 0.01*M* hydrochloric acid, and mix. Transfer 5 milliliters of this solution to a 50-milliliter volumetric flask, and dilute to volume with 13 percent acetonitrile in 0.01*M* hydrochloric acid, and mix.

(B) *Sample solution.* Transfer 4.0 milliliters of the sample into a 50-milliliter volumetric flask and dilute to volume with 13 percent acetonitrile in 0.01*M* hydrochloric acid.

(C) *Resolution test solution.* Place approximately 40 milligrams of trimethoprim working standard and 15 milligrams of 2-amino-4-hydroxy-5-(3',4',5')-trimethoxybenzyl pyrimidine, accurately weighed, into a 50-milliliter volumetric flask. Dissolve and dilute to volume with 13 percent acetonitrile in 0.01*M* hydrochloric acid, and mix. Transfer 5 milliliters of this solution to a 50-milliliter volumetric flask, and dilute to volume with 13 percent acetonitrile in 0.01*M* hydrochloric acid, and mix. Prepare the resolution test solution just prior to its introduction into the chromatograph pumping system.

(iii) *System suitability requirements*—(A) *Asymmetry factor.* The asymmetry factor (A_s) is satisfactory if it is not more than 1.4 at 10 percent of peak height.

(B) *Efficiency of the column.* The efficiency of the column (n) is satisfactory if it is greater than 1,500 theoretical plates.

(C) *Resolution.* The resolution (R) between 2-amino-4-hydroxy-5-(3',4',5')-trimethoxybenzyl pyrimidine (AHTP) and trimethoprim is satisfactory if it is not more than 1.5.

(D) *Coefficient of variation.* The coefficient of variation (S_R in percent) of five replicate injections is satisfactory if it is not more than 2.0 percent. If the system suitability parameters have been met, then proceed as described in § 436.216(b) of this chapter.

(iv) *Calculations.* Calculate the milligrams of trimethoprim per milliliter of sample as follows:

$$\text{Milligrams of trimethoprim per milliliter} = \frac{A_u \times W_s \times 0.8555}{A_s \times 40}$$

where:

A_u = Area of the trimethoprim peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the trimethoprim peak in the chromatogram of the trimethroprim working standard;

W_s = Weight of the trimethoprim working standard in milligrams; and

0.855 = Gravimetric conversion factor trimethoprim hemisulfate to trimethoprim.

(3) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

Dated: September 7, 1989.

Sammie R. Young,

Deputy Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 89-21869 Filed 9-15-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Mines

30 CFR Part 652

RIN 1032-AA00

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 890

Mining and Mineral Resources Research Institute Program

AGENCY: Bureau of Mines, Interior.

ACTION: Final rule.

SUMMARY: This part sets forth the administrative policies and procedures for the Mining and Mineral Resources Research Institute Program. These rules are needed owing to the transfer of responsibility for the program to the Bureau of Mines, and the revised operation of the program.

EFFECTIVE DATE: October 18, 1989.

FOR FURTHER INFORMATION CONTACT: Ronald Munson, Chief, Office of Mineral Institutes, Bureau of Mines, MS 1020, 2401 E Street NW., Washington, DC 20241. Phone (202) 634-1328.

SUPPLEMENTARY INFORMATION: This rulemaking redesignates the existing regulations found at 30 CFR part 890 as a new part 652 and revises and updates the regulations so they reflect the transfer of responsibility and revised operation of the program. By Secretarial Order No. 3073, dated February 1, 1982, the Secretary of the Interior transferred administrative responsibility for the Department's mineral institute program from the Office of Surface Mining Reclamation and Enforcement to the Bureau of Mines. These regulations contain mineral institute eligibility criteria and a description of the characteristics of generic mineral technology centers. A description of the specific responsibilities of mineral institute directors, rules for the transfer of funds between cooperating institutions, and an exposition of the

role of the Advisory Committee on Mining and Mineral Resources Research in making recommendations to the Secretary both on the operation of the program and in the determination of institute eligibility are included. Descriptions of the types of reports required under the program and sample statements for crediting the program in the professional literature are provided.

The Department of the Interior has determined this document is not a major rule under E.O. 12291 and certifies this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, and assigned clearance number 1032–0116.

The Department of the Interior has determined that this document does not constitute a major federal action significantly affecting the quality of the human environment under The National Environmental Policy Act of 1969.

Author: Dr. Ronald A. Munson, Chief, Office of Mineral Institutes, Bureau of Mines.

(Catalog of Federal Domestic Assistance Program No. 15.308, Grants for Mining and Mineral Resources and Research Institutes.)

Background and Discussion

A proposed rule was published in the **Federal Register** Vol. 53, No. 183, Wednesday, September 21, 1988, on pages 36582–36585. Written comments were solicited for 30 days. Two comments were received, both from mineral institute directors. One respondent stated satisfaction with the description and rules; the second respondent urged adoption of a preproposal system with responsibility placed on each generic center to screen the preproposals and recommend detailed proposals to the Bureau. The Bureau finds the present procedure to be satisfactory at this time in producing a research program having variety and quality.

No change in these rules would be required to adopt an alternative proposal selection system. The Bureau intends to continue to evaluate management options under this rule and could make changes similar to those proposed if conditions warrant.

Since the drafting of this rule Public Law 98–409 has been amended by Public Law 100–483, which extended authorization for the mineral institutes program through September 30, 1994, and made other clarifications. No provisions of Public Law 100–483 required changes in this rule. References to Public Law 100–483 have been added.

List of Subjects in 30 CFR Parts 652 and 890

Grant program—natural resources, Mineral resources, Mines, Environmental protection, Research, Scholarships and fellowships.

Therefore, title 30 is amended by redesignating part 890 of chapter VII as part 652 of Chapter VI, removing and reserving subchapter S of chapter VII, and revising newly redesignated part 652 to read as follows:

PART 652—MINING AND MINERAL RESOURCES RESEARCH INSTITUTE PROGRAM

Sec.

Authority: 30 U.S.C. 1221–1230; Pub. L. 98–409; Public Law 100–483.

§ 652.1 Scope.

This part sets forth policies and procedures for the assistance of institutions of higher learning that have been designated as State Mining and Mineral Resources Research Institutes and for the support of mining and mineral resources research at these institutions through specialized generic mineral technology research centers.

§ 652.2 Objectives.

The objectives of the assistance provided by the Mining and Mineral Resources Research Institute program are:

(a) To support research and training in mining and mineral resources problems related to the mission of the Department of the Interior;

(b) To improve the advanced training of mineral scientists and engineers through grants which encourage State and industry support of mineral education;

(c) To support, and encourage support of, research centers of generic expertise in mineral technology;

(d) To assist the States in carrying on the work of competent and qualified mining and mineral resources research institutes; and

(e) To provide support for graduate and postdoctoral students in mining and mineral resources disciplines including mining engineering, extractive metallurgy, geology, reclamation, engineering, economics, chemistry, physics, biology, ecology, and others.

§ 652.3 Authority.

The authority for this program is the Mining and Mineral Resources Research Program Act of 1984 and the Mining and Mineral Resources Research Institute Amendments of 1988.

(30 U.S.C. 1221–1230; Pub. L. 98–409 and Pub. L. 100–483)

(a) 30 U.S.C. 1221 authorizes the Secretary to make grants to assist States on a matching basis in carrying on the work of competent and qualified mining and mineral resources research institutes.

(b) 30 U.S.C. 1222 authorizes the Secretary to make grants to the institutes for specific research and demonstration projects, and for research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior deemed desirable and not otherwise under study.

(c) 30 U.S.C. 1229 authorizes the Secretary to appoint an Advisory Committee on Mining and Mineral Resources Research jointly chaired by the Assistant Secretary of the Interior responsible for minerals and mining and a committee member elected by the Committee from among those members who are not Federal employees.

§ 652.4 Administration.

Responsibility for administration of the Mining and Mineral Resources Research Institute Program is assigned to the Director of the Bureau of Mines and subject to the supervisory authority of the Assistant Secretary to whom he/she reports.

§ 652.5 Definitions.

As used in this part, the term—

Act means the State Mining and Mineral Resources Research Program Act of 1984 and subsequent amendments.

(30 U.S.C. 1221–1230; Pub. L. 98–409, Pub. L. 100–483)

Advisory Committee means the Advisory Committee on Mining and

Mineral Resources Research appointed by the Secretary pursuant to 30 U.S.C. 1229.

Allotment grant means funds made available to a mineral institute for the support of mineral-related research and education on a matching (formula) basis in a particular fiscal year pursuant to 30 U.S.C. 1221 and under the regulations contained herein.

Bureau means the Bureau of Mines.

Call for proposals means a letter from the Director to eligible mineral institutes and generic mineral technology centers requesting proposals for allotment or research grants, and specifying the format and date for receipt at the Office and other conditions. Separate Calls for proposals are issued annually for allotment and research grants. Applications for funds may be submitted only in response to a Call for Proposals.

Director means Director of the Bureau of Mines.

Generic mineral technology center means a cooperative mineral resources research effort in a specific area of broad applicability across the minerals industry headquartered in one institute with participation by one or more affiliate mineral institutes as authorized under 30 U.S.C. 1222.

Grant agreement means the legal document that sets forth the rules for the administration of the grant, including the responsibilities and privileges of the recipient, the amount of the award, reports required, and applicable rules and regulations.

Mineral institute means a competent and qualified mining and mineral resources research institute, department, or component of a college or university that conducts mineral resources research, which is determined to be eligible in accordance with the provisions of the Act, and which is designated by the Secretary as a State Mining and Mineral Resources Institute.

Mineral resources research means research, investigations, demonstrations, and experiments of a basic or practical nature relating to mineral exploration, extraction, processing, development, production, mining and technology, supply and demand, conservation and best use of available supplies, and the mineral-related aspects of other disciplines; and the training of mineral engineers and scientists through such activity; and the planning and coordination of such cooperative activity with other mineral institutes and those other agencies and individuals as may contribute to the solution of mining and mineral resources problems.

Office means Office of Mineral Institutes.

Secretary means the Secretary of the Interior or his authorized representative.

§ 652.6 Eligibility.

Only institutions of higher learning (post-secondary institutions having graduate research programs) designated by the Secretary, after consultation with, and upon the advice of the Advisory Committee, as a State Mining and Mineral Resources Research Institute are eligible to receive funds under this program. Only one institution may be designated per State. To qualify as a mineral institute, institutions must meet all the following criteria as determined by the Advisory Committee:

(a) Be either a public college or university or, in a State not having an eligible public college or university, a private college or university in that State.

(b) Be recommended by the Governor of the State, as eligible, in the absence of contrary act by the legislature of the State.

(c) Have in existence a substantial program of graduate instruction and research in mining or mineral extraction or closely related fields which has a demonstrated history of achievement.

(d) Evidence institutional commitment to the purposes of the Act.

(e) Exhibit significant industrial cooperation in activities within the scope of the Act.

(f) Have in existence an engineering program in mining or minerals extraction that is accredited by the Accreditation Board for Engineering and Technology, or show evidence of equivalent institutional capability.

(g) Employ at least six full-time permanent faculty members in the department or component of the institution conducting instruction and research in mining and mineral extraction.

(h) Meet such other criteria as the Advisory Committee shall deem necessary or desirable.

§ 652.7 Responsibilities of institutions designated as mineral institutes.

(a) Each institution designated as mineral institute has the duty of planning and conducting mineral resources research. To carry out its responsibility, it shall appoint a mineral institute director from its faculty or staff, who is professionally qualified in minerals research and education.

(b) Mineral institute directors shall be responsible for preparation of allotment grant proposals; for the technical administration of allotment grant agreements; for periodic reporting to the Bureau of Mines; for the preparation and transmission to the Bureau of Mines of an annual institute status report; for providing such coordination as may be necessary between various departments, units, and individuals at that institution to achieve a focused minerals program of value to the mineral institute's State and region; for the coordination between and among the minerals programs of the several mineral institutes; for responding to requests for information regarding the minerals program at that institution from the Bureau of Mines, the Advisory Committee, and the public; and for the selection and transmission of the best research proposals from that institution for inclusion in the generic mineral technology center program.

§ 652.8 Applications for allotment grants.

Applications for annual allotment grants shall be submitted in response to an annual call for proposals issued by the Bureau of Mines to mineral institutes. To receive a new allotment grant, a mineral institute must have submitted all reports due and shall not have been found by the Secretary to have improperly diminished, lost, or misapplied funds previously received. Such funds shall be replaced by the State concerned and until so replaced no subsequent grant shall be allotted or paid to the institute of that State. Each allotment grant application shall be responsive to 30 U.S.C. 1221(b) and as a minimum shall consist of the following elements in duplicate:

(a) A completed Standard Form 424.

(b) A plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields.

(c) A budget to support that plan.

(d) Assurance that Federal funds will supplement and, to the extent practicable, increase the level of funds that would otherwise have been available for the purposes of the Act, and in no case supplant such funds.

(e) Such other information as is requested in the Call for Proposals.

The Secretary shall deny or reduce funds to mineral institutes where proposals or portions thereof are not complementary to the mission of the Department or the goals of this program.

§ 652.9 Generic mineral technology centers.

All research supported under this program, except for that funded through allotment grants, is funded through established generic mineral technology centers (generic centers). Each generic center provides a focus for mineral

research in a specific area of broad applicability across the minerals industry. Each generic center has the following characteristics:

(a) It is headquartered in one mineral institute with participation by one or more affiliate institutions.

(b) A generic center director supervises the operation of the center including the coordination of related projects; makes arrangements for an annual seminar; provides for operation of a reference center; makes recommendations to the Bureau of Mines on budget revisions, equipment purchases, and other grant modifications; and provides technical leadership for the center.

(c) A reference center serves as a centralized repository of literature concerning the generic research area and also is a repository of all periodic and final reports, dissertations, and contributions to the technical literature resulting from generic center research.

(d) An annual seminar provides opportunity for students and principal investigators to exchange ideas and present their latest research in the generic area.

(e) A Research Council, consisting of experts in the generic research area from industry, government and, where possible, academia, attends the annual seminars, receives periodic reports, evaluates research proposals, and provides recommendations to the Bureau of Mines on the program of the center.

(f) New proposals for research, submitted through generic center and mineral institute directors, are evaluated on a competitive basis, in writing, and through Council discussion.

§ 652.10 Application for research grants.

Proposals may be submitted to the Bureau of Mines in any of the generic mineral technology areas through mineral institute and generic mineral technology center directors in response to an annual call for proposals which describes the format of the proposals. Proposals shall address the requirements of 30 U.S.C. 1222 (b)–(d) as detailed in the call for proposals. No portion of any research grant shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation or repair of any building.

§ 652.11 Transfers of research and allotment grant funds.

Under 30 U.S.C. 1223(b), mineral institutes are authorized to conduct cooperative programs with other mineral institutes and with such other agencies and individuals as may contribute to the solution of the mining and mineral resource problems involved. Mineral institutes may utilize their funds to pay for projects at other institutions under the following limitations:

(a) The mineral institute director (for allotment grants) or the generic mineral technology center director (for research grants) for the institution awarded the funds by the Bureau, or the designated representative of the above, shall administer, conduct and supervise all funded programs.

(b) All proposals to fund noninstitute activities shall be specifically set forth in the grant proposal applications required under § 652.8 and § 652.10 and must be explicitly approved by the Bureau of Mines.

(c) All subgrants and subcontracts, service agreements, and interdivisional work authorizations shall be subject to the same terms and conditions as the grant.

(d) Copies of all agreements for funding of programs conducted by noninstitute organizations, universities, or individuals shall be made available to the Bureau of Mines upon request.

§ 652.12 Governing provisions for grants.

Performance under all grants shall be in accord with the terms and conditions set forth in OMB Circulars A–110 (General Administration), A–21 (Cost Principles), A–88 (Indirect Cost Rates and Audit), and all other applicable laws and regulations. Copies of the OMB circulars are available for public inspection at the Bureau of Mines, Division of Budget, Room 1007, 2401 E Street NW., Washington, DC 20241. All uses, products, processes, patents, and other developments under this program, with such exceptions as the Secretary may make in the public interest, are to be made promptly available to the public. Patentable inventions shall be governed by the provisions of Public Law 96–517.

§ 652.13 Reports.

The following reports are required from program participants:

(a) *Annual Institute Status Report (30 U.S.C. 1223(a)(3)).* On or before September 1 of each year, the mineral institute director for each institute shall submit to the Office a written report on work accomplished; the status of projects underway; a listing of scholarship and fellowship holders supported under this program, their departmental affiliation, citizenship, amount of award, and thesis title, if selected; and a statement of disbursements of funds received under this program. This report shall cover all activities under both the allotment grant and research grant program.

(b) *Periodic Technical Reports.* Each mineral institute and generic center director shall make brief periodic written reports as specified in the grant document to the Office describing progress made on each active project. Generic center directors shall also send their periodic reports to members of the applicable Research Councils.

(c) *Periodic Financial Reports.* Each mineral institute and generic center shall submit completed Standard Form–269 reports concurrent with the periodic technical progress reports.

(d) *Annual Property Report.* Each mineral institute and generic center shall submit by November 15 a completed Bureau of Mines Form 6–359 on nonexpendable property.

(e) *Final Reports.* The annual institute status report will serve as the final report for allotment grants. A final report is required for each approved generic center research project. Principal investigators are encouraged to publish in the technical literature any information developed in the course of carrying out a research project. A published journal article may be substituted for a final report, provided the Grantee delivers five copies of the reprint to the Office. If the findings of a research project are not published, five copies of a final report shall be furnished. An unpublished final report should be prepared in accordance with ANSI 239.18–1974, "American National Standard Guidelines for Format and Production of Scientific and Technical Reports."

(1) *Credits.* Every final research report or publication in the technical literature shall contain one of the following statements or the equivalent:

This research has been supported by the Department of the Interior's Mineral Institute Program administered by the Bureau of Mines under allotment grant number _____.

This research has been supported by the Department of the Interior's Mineral Institute Program administered by the Bureau of Mines through the Generic Mineral Technology Center for _____ under research grant number _____.

§ 652.14 Information collection.

The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1032–0116. The information is being collected to evaluate the effectiveness of the programs and responses are required to obtain a benefit in accordance with 30 U.S.C. 1221–1230. Public reporting burden for

this information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information is as follows:

Performance Report.....16 hours
Report of Funded Scholarship and Fellowships.....2 hours
Summary Report of Inventions and Subgrants.....1 hour
Grantee Inventory of Property Purchased from Grant Funds.....2 hours
Budget Information Report.....8 hours.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Office of Statistical Standards, Bureau of Mines, Washington, DC 20241; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 1032–0116), Washington, DC 20503.

§ 652.15 Advisory committee.

An Advisory Committee on Mining and Mineral Resources Research, appointed by the Secretary under 30 U.S.C. 1229, shall consult with and make recommendations to the Secretary on the operation of and the making of grants under this program and it shall determine the eligibility of a college or university to participate as a Mining and Mineral Resources Research Institute under the Act and make such recommendation to the Secretary.

§ 652.16 Site visits.

In relation to the substantive scientific and administrative operations of grantees, the Bureau of Mines or the Advisory Committee may perform inspections of activities authorized and financed pursuant to these regulations. Such inspections may cover acceptability of progress, consistency with approved plans, and institute eligibility.

§ 652.17 Grant modifications.

(a) The mineral institute and generic center directors are responsible for promptly notifying the Office of events which may require modification of grant agreements, such as:

(1) Rebudgetings,
(2) No-cost time extensions, or
(3) Changes in scope.

(b) Permission of the Office is also required for the following actions under a grant:

(1) Equipment purchase of $1000 or more,
(2) Property transfer, or
(3) Foreign travel.

§ 2.18 Grant reduction and termination.

If a mineral institute or generic mineral technology center does not follow the provisions and terms of a grant or does not fully implement a grant program, the Director may reduce the size of or may suspend or terminate a grant.

Dated: July 10, 1989.

Doyle G. Frederick,

Principal Deputy Assistant Secretary of the Interior.

[FR Doc. 21615 Filed 9–15–89; 8:45 am]
BILLING CODE 4310–53–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPTS–50569A; FRL–3646–7]

Mixture of: 1,3-Benzenediamine, 2-Methyl-4,6-Bis(Methylthio)-and 1,3-Benzenediamine, 4-Methyl-2,6-Bis (Methylthio)-; Significant New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is promulgating a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for the chemical substance: Mixture of: 1,3-benzenediamine, 2-methyl-4,6-bis(methylthio)- (CAS NO. 104983–85–9) and 1,3-benzenediamine, 4-methyl-2,6-bis(methylthio)- (CAS NO. 102093–68–5), which was the subject of premanufacture notice P–86–1322 and a TSCA section 5(e) consent order issued by EPA. EPA believes that this substance may be hazardous to human health and that the uses described in this rule may result in significant human exposure. As a result of this rule, certain persons who intend to manufacture, import, or process this substance for a significant new use must notify EPA at least 90 days before commencing that activity. The required notice will provide EPA with the opportunity to evaluate the intended uses and, if necessary, prohibit or limit those activities before they occur.

DATES: In accordance with 40 CFR 23.5 (50 FR 7271), this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern "daylight" time on October 2, 1989. This rule shall become effective December 1, 1989.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, Room E–545, 401 M Street SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: This rule describes significant new uses and recordkeeping requirements for certain persons who intend to manufacture, import, or process the chemical substance: Mixture of: 1,3-benzenediamine, 2-methyl-4,6-bis(methylthio)- (CAS NO. 104983–85–9) and 1,3-benzenediamine, 4-methyl-2,6-bis(methylthio)- (CAS NO. 102093–68–5), which was the subject of premanufacture notice (PMN) P–86–1322 and a TSCA section 5(e) consent order issued by EPA. EPA believes that this substance may be hazardous to human health and that the uses described in this rule may result in significant human exposure. A requirement to notify EPA at least 90 days before commencing significant new uses will provide EPA with the opportunity to evaluate the intended uses and, if necessary, prohibit or limit those activities before they occur. This rule was proposed in the Federal Register of December 28, 1988 (53 FR 52443).

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use.

Persons subject to this SNUR must comply with the same notice requirements and EPA regulatory procedures as submitters of PMNs under section 5(a)(1)(A) of TSCA. In particular, these requirements include the information submission requirements of section 5 (b) and (d)(1), the exemptions authorized by section 5(h) (1), (2), (3), and (5), and the regulations at 40 CFR part 720. Once EPA receives a SNUR notice, EPA may take regulatory action under section 5(e), 5(f), 6, or 7 to control the activities on which it has received a SNUR notice. If EPA does not take action, section 5(g) of TSCA requires EPA to explain in the Federal Register its reasons for not taking action.

Persons who intend to export a substance identified in a final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR part 707. Persons who intend to import a chemical substance are subject to the TSCA section 13

import certification requirements, which are codified at 19 CFR 12.118 through 12.127 and 127.28. Persons who import a substance identified in a final SNUR must certify that they are in compliance with the SNUR requirements. The EPA policy in support of the import certification appears at 40 CFR part 707.

II. Applicability of General Provisions

In the Federal Register of September 5, 1984 (49 FR 35011), EPA promulgated general regulatory provisions applicable to SNURs (40 CFR part 721, subpart A). On July 27, 1988 (53 FR 28354), and July 27, 1989 (54 FR 31298), EPA promulgated amendments to the general provisions. The general provisions are discussed in the two documents in detail, and interested persons should refer to those documents for further information. These general provisions apply to this SNUR, except as discussed in this preamble and as set forth in § 721.557. On August 17, 1988 (53 FR 31252), EPA promulgated the "User Fee Rule" (40 CFR part 700) under the authority of TSCA section 26(b). Provisions requiring persons submitting significant new use notices to submit certain fees to EPA are discussed in detail in that Federal Register document.

III. Summary of This Rule

The chemical substance which is the subject of this rule is identified as mixture of 1,3-benzenediamine, 2(or 4)-methyl-4,6 (or 2,6)-bis (methylthio)-, and is listed as such on the TSCA inventory. It was the subject of PMN P-86-1322. EPA is designating the following activities as significant new uses of the substance: Use other than for industrial uses; any method of disposal of the uncured substance other than by incineration; production at an aggregate volume of the substance greater than that permitted the PMN submitted under the terms of the consent order, without performing the toxicity testing required in that order; and manufacturing, importing, or processing without establishing a program whereby (1) persons who may be exposed dermally to the substance wear gloves, eye protection, and protective clothing, and persons who may be exposed by inhalation wear a National Institute for Occupational Safety and Health approved, category 19C air supplied respirator, (2) potentially exposed individuals are informed of the possible hazards and required protective equipment, and (3) containers of the substance which may be distributed in commerce are labeled. This rule requires persons intending to manufacture, import, or process the substance identified in this rule to submit a signficant new use notice to EPA at least 90 days before they manufacture, import, or process that substance for the significant new uses described above.

IV. Background Information on P-86-1322

On July 18, 1986, EPA received a PMN which EPA designated as P-86-1322. EPA announced receipt of the PMN in the Federal Register of August 12, 1986 (51 FR 28875). The PMN submitter initially claimed the following as confidential business information (CBI): chemical identity, production volume, and process information. The PMN submitter withdrew the confidentiality claim for chemical identity when it submitted a Notice of Commencement of Manufacture under 40 CFR 720.102. For purposes of clarity, the substance will be referred to by its specific name and PMN number. The PMN submitter currently intends to manufacture the substance for use as a chain extender for polyurethane cast molded elastomer production, polyurethane reaction injection molding elastomers, polyurethane foams, polyurethane coatings, adhesives, polyurethane sealants, polyurethane/epoxy co-polymers, chemical intermediate, epoxy coating, epoxy composite matrices, or epoxy tooling resins.

The Agency proposed a SNUR for this substance which was published in the Federal Register of December 28, 1988 (53 FR 52443). No public comments were received by the Agency during the 60-day period following the date of publication of the proposed rule. The background of the PMN and the reasons for proposing the SNUR are set forth in the preamble to the proposed rule.

V. Objectives and Rationale for the Rule

To determine what would constitute significant new uses of P-86-1322, EPA considered relevant information about the toxicity of the substance, likely exposures associated with possible uses, and the four factors listed in section 5(a)(2) of TSCA. Based on these considerations, EPA wishes to achieve the following objectives with regard to the significant new uses that are designated in this rule:

1. EPA wants to ensure that it will receive notice of any company's intent to manufacture, import, or process P-86-1322 for a significant new use before that activity begins.

2. EPA wants to ensure that it will have an opportunity to review and evaluate data submitted in a significant new use notice before the notice submitter begins manufacturing, importing, or processing P-86-1322 for the significant new use.

3. EPA wants to ensure that it will be able to regulate prospective manufacturers, importers, or processors of P-86-1322 before significant new use of that substance occurs, provided that the degree of potential health and environmental risk is sufficient to warrant such regulation.

Given EPA's concerns about P-86-1322, EPA believes that unrestricted manufacture, import, processing, distribution in commerce, use, and disposal of the substance may present an unreasonable risk of injury to human health. Based on test data on the structural analogues 2,4-diaminotoluene and 2,6-diaminotoluene, EPA has determined that any significant exposure may present a risk of cancer and chronic organ and systemic effects to workers.

EPA believes that the data described in this preamble and in the preamble to the proposed rule are sufficient to support the conclusion that the significant new uses of P-86-1322 present a potentially significant increase in the magnitude of exposure. Section 5(a)(2) of TSCA does not require EPA to make either a "may present" or a "will present" risk finding with regard to satisfying the requirements for a significant new use. The statute imposes the requirement that EPA provide for a "consideration of all relevant factors." EPA believes that a reasonable qualitative assessment of these factors was incorporated in the preamble of the proposed rule published in the Federal Register of December 28, 1988 (53 FR 52443).

VI. Recordkeeping

To ensure compliance with this rule and to assist enforcement efforts, EPA is requiring, under its authority in sections 5 and 8(a) of TSCA, that in addition to meeting the requirements in § 721.17, the records described in § 721.557(b)(2) be maintained for 5 years after the date of their creation by persons who manufacture, import, or process P-86-1322.

These recordkeeping requirements would apply to all manufacturers, importers, and processors, including small manufacturers, importers, and processors, because the small business exemption of section 8(a) of TSCA is not applicable when the chemical substance which is the subject of the rule also is the subject of a section 5(e) order. EPA considered omitting these specific recordkeeping requirements, but believes compliance monitoring for this SNUR would be made more difficult without them.

VII. Applicability to Uses Occurring Before Effective Date of the Final Rule

When determining that a use is a significant "new" use, EPA intends that the use not be currently ongoing. In this case, P–86–1322 has recently undergone premanufacture review. The notice submitter has sent EPA a Notice of Commencement of Manufacture and the substance was added to the Inventory on June 22, 1987. The section 5(e) order prohibits the notice submitter from undertaking the activities which EPA is designating as significant new uses. Therefore, EPA concluded that these uses are not presently ongoing. However, since the chemical substance identified in this SNUR has been added to the Inventory, it may be manufactured, imported, or processed by other persons for a significant new use as defined in this rule.

EPA believes that the intent of section 5(a)(1)(B) is best serve by designating a use as a significant new use if it is not ongoing as of the proposal date of the SNUR rather than as of the promulgation of the final rule. If uses begun during the proposal period of a SNUR were considered ongoing, any person could defeat the SNUR by initiating a proposed significant new use before the rule became final. This would make it extremely difficult for EPA to establish SNUR notice requirements.

Thus, persons who began commercial manufacture, import, or processing of P–86–1322 for a significant new use between proposal and promulgation of this rule must cease that activity before the effective date of this rule. To resume their activities, these persons must comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires.

EPA, not wishing to unnecessarily disrupt the commercial activities of persons who manufacture, import, or process for a proposed significant new use prior to promulgation of a final SNUR, has promulgated a new § 721.45(h) (July 27, 1988, 53 FR 28354) to allow for advance SNUR compliance (i.e., compliance prior to the date of promulgation).

VIII. Determining When Use Is Designated in This Rule

EPA has designated a significant new use at production volumes which are confidential. EPA believes it is appropriate to keep this information confidential to protect the interest of the original notice submitter.

Therefore, EPA will only reveal the production volumes described in § 721.557(a)(2)(iv) to a manufacturer or importer who has shown a *bona fide* intent to manufacture or import the substance. To establish a *bona fide* intent, the person must submit the information required under § 721.11. EPA will make a determination as to whether the person has established a *bona fide* intent to manufacture or import the substance. If the person has established a *bona fide* intent, EPA will inform the person of the production volumes which would constitute a significant new use.

IX. Test Data and Other Information

EPA recognizes that, under TSCA section 5, persons are not required to develop any particular test data before submitting a significant new use notice. Rather, persons are only required to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them.

However, in view of the potential health risks that may be posed by a significant new use of this substance, EPA suggests potential SNUR notice submitters consider conducting tests that would permit a reasoned evaluation of the potential risks posed by this substance when utilized for an intended use. EPA believes that the results of a 2-year rodent bioassay and a 90-day subchronic study would adequately characterize possible cancer and chronic health effects, respectively, of the substance. The TSCA section 5(e) consent order negotiated with the PMN submitter prohibits the submitter from exceeding specific production limits without completing these studies. Under the consent order, the PMN submitter is required to submit each study at least 12 weeks before it reaches the respective production volume limits. The order contains detailed procedures for dealing with situations where the resulting data are invalid or equivocal, or show that the substance will present an unreasonable risk of injury under the exposure limitations in the order. This SNUR uses the same production volume limits as the consent order; those production volume limits are defined as a significant new use.

EPA believes it is likely that the PMN submitter will conduct the 2-year rodent bioassay and 90-day subchronic study before reaching the production volume limits and before any other person who would be subject to this SNUR would reach the limits in the SNUR. Accordingly, before beginning to conduct either study a person subject to this SNUR should contact EPA to determine whether the required study has already been produced. These studies may not be the only means of addressing the potential risks. SNUR notices submitted for significant new uses without such test data may increase the likelihood that EPA will take action under section 5(e).

EPA encourages persons to consult with EPA before selecting a protocol for testing the substance. As part of this prenotice consultation, EPA will discuss the test data it believes necessary to evaluate a significant new use of the substance. Test data should be developed according to TSCA Good Laboratory Practice standards at 40 CFR part 792. Failure to do so may lead EPA to find such data to be insufficient to evaluate reasonably the health effects of the substance.

EPA urges SNUR notice submitters to provide detailed information on human exposure that will result from the significant new uses. In addition, EPA encourages persons to submit information on potential benefits of the substance and information on risks posed by the substance compared to risks posed by substitutes.

X. Economic Analysis

EPA has evaluated the potential costs of establishing significant new use notice requirements for the manufacture, import, distribution in commerce, use, processing, and/or disposal of this chemical substance. EPA's complete economic analysis is available in the public record.

XI. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS–50569A). The record includes basic information considered by EPA in developing this rule. EPA will supplement the record with additional information as it is received. The record now includes the following:

1. The premanufacture notice.
2. The **Federal Register** notice of receipt of the PMN.
3. The section 5(e) consent order.
4. The proposed SNUR.
5. The economic analysis of this rule.
6. The toxicology support document.
7. The engineering support document.
8. The exposure support document.

A public version of this record containing sanitized copies from which CBI has been deleted is available to the public in the TSCA Public Docket Office from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The TSCA Public Docket Office is located in Rm. NE–G004, 401 M St., SW., Washington, DC.

XII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore, requires a Regulatory Impact Analysis. EPA has determined that this rule is not a "major rule" because it will not have an effect on the economy of $100 million or more and it will not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the total annual cost of compliance with this rule, EPA believes that the cost will be low. EPA believes that, because of the nature of the rule and the substance involved, there will be few significant new use notices submitted. Furthermore, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that impact will be limited because such factors are unlikely to discourage an innovation that has high potential value.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA has determined that this rule will not have a significant impact on a substantial number of small businesses. EPA cannot determine whether parties affected by this rule are likely to be small businesses. However, EPA expects to receive few SNUR notices for the substance. Therefore, EPA believes that the number of small businesses affected by this rule will not be substantial even if all the SNUR notice submitters were small firms.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2070–0012 to this rule. Public reporting burden for this collection of information is estimated to average 8 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements, Significant new uses.

Dated: August 24, 1989.

Victor J. Kimm,

Acting Assistant Administrator, for Pesticides and Toxic Substances.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604 and 2607.

2. By adding a new § 721.557 to read as follows:

§ 721.557 Mixture of: 1,3–benzenediamine, 2–methyl–4,6–bis(methylthio)– (CAS NO. 104983–85–9) and 1,3–benzenediamine, 4–methyl–2,6–bis(methylthio)– (CAS NO. 102093–68–5).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The following chemical substance, referred to by its PMN number, chemical name, and CAS NOS., is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section: P–86–1322, Mixture of: 1,3–benzenediamine, 2–methyl–4,6–bis(methylthio)– (CAS NO. 104983–85–9) and 1,3–benzenediamine, 4–methyl–2,6–bis(methylthio)– (CAS NO. 102093–68–5).

(2) The significant new uses are:

(i) Use other than for industrial uses.

(ii) Any method of disposal of the uncured substance other than by incineration.

(iii) Any manner or method of manufacturing, importing, or processing without establishing a program whereby:

(A) Any person who may be exposed dermally to the substance wears:

(*1*) Gloves which have been determined to be impervious to the substance under the conditions of exposure, including the duration of exposure. This determination is made either by testing the gloves under the conditions of exposure or by evaluating the specifications provided by the manufacturer of the gloves. Testing or evaluation of specifications includes consideration of permeability, penetration, and potential chemical and mechanical degradation by the substance and associated chemical substances.

(*2*) Clothing which covers any other exposed areas of the arms, legs, and torso.

(*3*) Chemical safety goggles or equivalent eye protection.

(B) Any person who may be exposed to the substance through inhalation, in addition to the dermal protective equipment described in paragraph (a)(2)(iii)(A) of this section, wears at a minimum a National Institute for Occupational Safety and Health approved category 19C air-supplied respirator. Use of the respirator is according to 29 CFR 1910.134 and 30 CFR part 11 subpart J. If a full-face type respirator is selected and worn, the chemical safety goggles requirement in paragraph (a)(2)(iii)(A)(*3*) of this section is waived.

(C) All persons who may be exposed to the substance are informed, in writing, and by presenting the information as part of a training program in safety meetings at which attendance is recorded, by means of the following statement:

WARNING: Avoid all contact. Chemicals similar in structure to (insert appropriate name) have been found to cause chronic organ and systemic effects and cancer in laboratory animals. To protect yourself, you must wear chemical safety goggles or equivalent eye protection, impervious gloves, and protective clothing while handling this material. In addition, you must wear a respirator if there is potential inhalation exposure.

(D) All persons that receive the PMN substance are notified, in advance of such receipt, by means of a Material Safety Data Sheet (MSDS) which includes, at a minimum, the language specified in paragraph (a)(2)(iii)(C) of this section, and specifies the requirements for protective equipment in paragraphs (a)(2)(iii) (A) and (B) of this section.

(E) Each container of the substance, or of a formulation containing the substance, distributed in commerce has affixed to it a label which includes a Warning Statement which consists, at a minimum, of the language specified in paragraph (a)(2)(iii)(C) of this section. The first word of the Warning Statement is capitalized, and the type size for the first word is no smaller than 6-point type for a label 5 square inches or less in area, 10-point type for a label above 5 but no greater than 10 square inches in area, 12-point type for a label above 10 but no greater than 15 square inches in area, 14-point type for a label above 15 but no greater than 30 square inches in area, or 18-point type for all labels over

30 square inches in area. The type size of the remainder of the Warning Statement is no smaller than 6-point type. All required label text is of sufficient prominence and is placed with such conspicuousness relative to other label text and graphic material to ensure that the Warning Statement is read and understood by the ordinary individual under customary conditions of purchase and use.

(iv) Manufacturing and importing the substance, for industrial uses, at greater than the aggregate volumes allowed under the consent order issued for Premanufacture Notice P-86-1322, effective on May 23, 1987, without performing the toxicity testing required under that order.

(b) *Specific requirements.* The provisions of Subpart A of this Part apply to this section, except as modified by this paragraph.

(1) *Determining whether a use is a significant new use.* (i) A person who intends to manufacture or import the substance identified in paragraph (a)(1) of this section may submit to EPA the information required under § 721.11(b).

(ii) EPA will review this information to determine whether the person has a *bona fide* intent to manufacture or import the substance. If EPA determines that the person has a *bona fide* intent to manufacture or import the substance, EPA will tell the person the specific production volume which would constitute a significant new use under paragraph (a)(2)(iv) of this section.

(iii) A disclosure to a person with a *bona fide* intent to manufacture or import the substance of specific production volume which would constitute a significant new use under paragraph (a)(2)(iv) of this section will not be considered public disclosure of confidential business information under section 14 of the Act.

(2) *Recordkeeping.* In addition to the requirements of § 721.17, manufacturers, importers, and processors must maintain the following records for 5 years after the date they are created:

(i) Any determination that gloves are impervious to the substance.

(ii) Names of persons who have attended safety meetings in accordance with paragraph (a)(2)(iii)(C) of this section, the dates of such meetings, and copies of any written information provided in accordance with paragraph (a)(2)(iii)(C) of this section.

(iii) Copies of any MSDSs used.

(iv) Names and addresses of all persons to whom the PMN substance is sold or transferred, including shipment destination address if different, the date of each sale or transfer, and the quantity of substance sold or transferred on such date.

(v) Copies of any labels used.

(vi) Any names used for the substance and the corresponding dates of use.

(vii) Quantities of the substance manufactured or imported, with the corresponding dates of manufacture or import.

(viii) Quantities of the substance purchased in the United States by processors of the substance, names and addresses of suppliers, and corresponding dates of purchase.

(ix) Information on disposal of the substance, including dates waste material is disposed of, location of disposal sites, volume of disposed solid material, estimated volume of any disposed liquid wastes containing the substance, and method of disposal.

(Approved by the Office of Management and Budget under OMB control number 2070-0012)

[FR Doc. 89-21917 Filed 9-15-89; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 89-14; Notice 1]

RIN 2127-AD20

Federal Motor Vehicle Safety Standards; New Pneumatic Tires

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Technical amendment.

SUMMARY: In response to a petition by the Tyre and Rim Association of Australia (TRAA), this notice amends Standard No. 109, Standard No. 119, and Standard No. 120 to include the TRAA in the list of standardization organizations. In addition, this notice corrects an oversight in an earlier technical amendment. Because these changes represent only technical corrections to the agency's listing of recognized standardization organizations and impose no obligations on any party, the agency finds for good cause that notice and opportunity for comment are unnecessary.

DATE: This amendment is effective September 18, 1989.

FOR FURTHER INFORMATION CONTACT: Larry Cook, Office of Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, (202) 366-4803.

SUPPLEMENTARY INFORMATION: Section S4.4.1(b) of Standard No. 109, *New Pneumatic Tires—Passenger Cars* and section S5.1(b) of Standard No. 119 (49 CFR 571.109), *New Pneumatic Tires for Motor Vehicles Other Than Passenger Cars* (49 CFR 571.119) each contain listings of various standardization organizations. Similarly, section S5.2(a) of Standard No. 120, *Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars,* sets forth rim marking symbols related to the standardization organizations. A standardization organization is a voluntary association composed of representatives of member tire companies. The purpose of a standardization organization is to establish and promulgate engineering standards for tires, rims, and their allied parts. NHTSA relies on standardization organizations to list acceptable rim sizes for each tire size and for technical information regarding tire sizes.

The Tyre and Rim Association of Australia (TRAA) submitted a petition to NHTSA requesting that it be included in NHTSA's listing of standardization organizations in Standard No. 109 and Standard No. 119. TRAA also submitted its Articles of Incorporation.

NHTSA has decided to grant the petition and adopt the petitioner's request without affording an opportunity for public comment because these changes represent only technical corrections to the agency's listing of recognized standardization organizations. They impose no obligations on any party. Rather, they accommodate the wishes of the listed organization. Accordingly, the agency finds for good cause that notice and opportunity for comment are unnecessary, and these changes are effective as soon as this notice is published.

In addition, on June 6, 1983, NHTSA issued a similar technical amendment which intended to eliminate from the list of standardization organizations the Society of Motor Manufacturers & Traders Ltd. (SMMT) (48 FR 25209). It has come to the agency's attention that the 1983 notice deleted only some of the references to SMMT. That notice failed to delete references to SMMT in Appendix A, paragraph 4 of Standard No. 109 and section 5.2(a) of Standard No. 120. This notice eliminates these references. Because these technical corrections impose no obligations on any party, the agency finds for good cause that notice and opportunity for comment are unnecessary.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

1. In consideration of the foregoing, section S4.4.1(b) of 49 CFR § 571.109 is revised to read as follows:

§ 571.109 [Amended]

* * * * *

S4.4.1 * * *

(b) Contained in publications, current at the date of manufacture of the tire or any later date, of at least one of the following organizations:

The Tire and Rim Association
The European Tyre and Rim Technical Organisation
Japan Automobile Tire Manufacturers' Association, Inc.
Deutsche Industrie Norm
British Standards Institution
Scandinavian Tire and Rim Organization
The Tyre and Rim Association of Australia

* * * * *

Appendix A to § 571.109 [Amended]

2. Appendix A, paragraph 4 of 49 CFR 571.109 is revised to read as follows:

* * * * *

4. A statement as to whether the tire size designation and load inflation schedule has been coordinated with the Tire and Rim Association, the European Tyre and Rim Technical Organisation, the Japan Automobile Tire Manufacturers' Association, Inc., the Deutsche Industrie Norm, the British Standards Institution, the Scandinavian Tire and Rim Organization, and the Tyre and Rim Association of Australia.

* * * * *

§ 571.119 [Amended]

3. Section S 5.1(b) of 49 CFR 571.119 is revised to read as follows:

* * * * *

S5.1 * * *

(b) Contained in publications, current at the date of manufacture of the tire or any later date, of at least one of the following organizations:

The Tire and Rim Association
The European Tyre and Rim Technical Organisation
Japan Automobile Tire Manufacturers' Association, Inc.
Deutsche Industrie Norm
British Standards Institution
Scandinavian Tire and Rim Organization
The Tyre and Rim Association of Australia

* * * * *

§ 571.120 [Amended]

4. Section S5.2(a) of 49 CFR 571.120 is revised to read as follows:

* * * * *

S5.2 * * *

(a) A designation which indicates the source of the rim's published nominal dimensions, as follows:

(1) "T" indicates The Tire and Rim Association.

(2) "E" indicates The European Tyre and Rim Technical Organisation

(3) "J" indicates Japan Automobile Tire Manufacturers' Association, Inc.

(4) "D" indicates Deutsche Industrie Norm.

(5) "B" indicates British Standards Institution.

(6) "S" indicates Scandinavian Tire and Rim Organization.

(7) "A" indicates The Tyre and Rim Association of Australia.

(8) "N" indicates an independent listing pursuant to S4.4.1(a) of Standard No. 109 or S5.1(a) of Standard No. 119.

* * * * *

(Secs. 102, 119, and 202, Pub.L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, and 1422); delegation of authority at 49 CFR 1.50)

Issued on: September 12, 1989.

Jeffrey R. Miller,

Acting Administrator.

[FR Doc. 89-21893 Filed 9-15-89; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 70355-7127]

Atlantic Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of catch limit increase in the General category.

SUMMARY: NOAA issues this notice to adjust the catch limit for giant Atlantic bluefin tuna in the General category from one to two fish per vessel per day. The regulations governing this fishery allow this adjustment during the fishing season based on a review of specified criteria. The intent of this action is to provide handgear fishermen an additional opportunity to harvest the quota.

EFFECTIVE DATE: September 15, 1989.

FOR FURTHER INFORMATION CONTACT: Kathi L. Rodrigues, 508-281-9324.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 through 971h) regulating the harvest of Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction were published in the **Federal Register** on October 25, 1985 (50 FR 43396).

50 CFR 285.24(a) provides that the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), on or about September 1, may adjust the daily catch limit to a maximum of three giant Atlantic bluefin tuna per vessel per day based on a review of dealer reports, landing trends, availability of the species on the fishing grounds, and any other relevant factors, in order to provide for maximum utilization of the quota. The Assistant Administrator has determined, based on the reported catch of giant Atlantic bluefin tuna of 351 short tons (st) through September 4, 1989, and on the average weekly catch rate of 43 st per week for the period July 13 through August 30, 1989, that the quota for the General category will not be harvested under the prevailing catch constraints. Therefore, the catch limit of one giant Atlantic bluefin tuna per vessel per day will be increased on the effective date of this notice to two per vessel per day in order to provide for the maximum opportunity to utilize the General category quota of 650 st set forth in § 285.22(a).

This daily catch limit will remain in effect for the remainder of 1989 or until the quota for the General category is reached or until further adjustment is warranted.

Notice of this action will be mailed to all Atlantic bluefin dealers and vessel owners holding a valid vessel permit for this fishery.

Other Matters

This action is taken under the authority of 50 CFR 285.24 and is taken in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

(16 U.S.C. 971 *et seq.*)

Dated: September 12, 1989.

David S. Crestin,

Acting Director, Office of Fishery Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-21889 Filed 9-15-89; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 54, No. 179
Monday, September 18, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 287

[INS Number: 1224-89]

Field Officers; Powers and Duties

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This proposed rule will permit proof of official records of Canada to be treated in an identical manner as domestic records. This will help expedite the obtaining of records for use in a variety of Service proceedings such as deportation, exclusion and recission. The Service is attempting to accelerate the obtaining of records to quicken the removal of criminal aliens who are citizens or nationals of Canada. This in many instances will save the Service detention costs while awaiting the receipt of documents authenticated in accordance with 8 CFR 287.6(b).

DATE: Comments must be received no later than October 18, 1989.

ADDRESS: Submit written comments, in triplicate, to Director, Policy Directives and Instructions, Immigration and Naturalization Service, Room 2011, 425 I Street NW., Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: Ira L. Frank, Senior Special Agent, Investigations Division, Immigration & Naturalization Service, 425 I Street NW., Room 7240, Washington, DC 20536, Telephone: (202) 633-3098.

SUPPLEMENTARY INFORMATION: The proposed rule will aid in expediting the receipt of Canadian governmental records. This is particularly important to the Service when seeking to obtain criminal convictions. Presently, records are requested by an immigration officer through an INS district office closest to the location where the records are located. When the records are received by that office, it is sent to the appropriate American consulate for authentication. It is then returned to INS to be forwarded to the officer originally requesting the record. By eliminating the authentication, one time consuming step is removed. It is deemed that the record keeping system of the Canadian governmental records are comparable to our own and that authentication by an American consulate is an unnecessary step in the process. Shortening the time to obtain records can conserve resources by reducing the time and expense necessary to detain Canadian citizens and nationals facing explusion from the United States because of their history of criminal conduct.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities. This is not a major rule within the meaning of section 1(b) of E.O. 12992, nor does this rule have federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

List of Subjects in 8 CFR Part 287

Administrative practice and procedure, Aliens, Subpoenas, Deportation.

Accordingly, part 287 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 287—FIELD OFFICERS; POWERS AND DUTIES

1. The authority citation for part 287 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1182, 1225, 1226, 1251, 1252, 1347, 8 CFR part 2.

2. In § 287.6, a new paragraph (d) is added to read as follows:

§ 287.6 Proof of official records.

* * * * *

(d) *Canada.* In any proceedings under this chapter, an official record or entry therein, issued by a Canadian governmental entity, when admissible for any purpose, shall be evidenced by a certified copy of the original record attested by the official having legal custody of the record or by an authorized deputy.

Dated: August 23, 1989.

Clarence M. Coster,

Associate Commissioner, Enforcement Immigration and Naturalization Service.

[FR Doc. 89-21898 Filed 9-15-89; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625 and 655

[FHWA Docket No. 89-16, Notice No. 2]

RIN 2125-AC34

Design Standards for Highways; Interstate System

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Extension of comment period.

SUMMARY: The Federal Highway Administration (FHWA) issued a notice of proposed rulemaking (NPRM) which was published in the **Federal Register** on July 18, 1989 (54 FR 30095). Through this NPRM, the FHWA requested comments on a proposed amendment to the design standards which apply to Interstate highway construction and reconstruction projects eligible to receive funding under the Federal-aid highway program. The comment period is scheduled to close on September 18, 1989. To give interested parties adequate time to respond to the NPRM, and FHWA is extending the comment period to November 18, 1989.

DATE: Comments must be received on or before November 18, 1989.

ADDRESSES: Submit written, signed comments to FHWA Docket No. 89-16, Federal Highway Administration, Room 4232, HCC-10, 400 Seventh Street SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Seppo I. Sillan, Chief, Geometric and Roadside Design Branch, Federal-aid and Design Division, Office of Engineering (202) 366-1327 or Mr. Michael J. Laska, Office of the Chief Counsel (202) 366-1383, Federal

Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: The standards, specifications, policies, guides, and references (publications) that have been approved by the FHWA for application on all Federal-aid highway projects have been incorporated by reference in 23 CFR 625. Many of the standards, policies and guides approved by FHWA and incorporated in 23 CFR part 625 were developed and issued by the American Association of State Highway and Transportation Officials (AASHTO). On July 18, 1989, the FHWA issued an NPRM which proposed to substitute a revised publication approved by AASHTO entitled "A Policy on Design Standards—Interstate System, AASHTO 1988" for the previous version of these standards last revised June 20, 1967. If the FHWA adopts the 1988 document, the new AASHTO publication would constitute the FHWA's policy on geometric design for all federally-assisted construction and reconstruction projects on the Interstate highway system.

The FHWA has received a request from the Center for Auto Safety (CAS) for an extension of the comment period. The CAS is requesting an extension to ensure the widest possible professional input on the new standards. The FHWA is granting the request and the comment period is being extended to November 18, 1989.

(23 U.S.C. 109, 315, and 402; 49 CFR I. 48(b))

Issued on: September 11, 1989.

Thomas D. Larson,

Federal Highway Administrator.

[FR Doc. 89-21892 Filed 9-15-89; 8:45 am]

BILLING CODE 4910-22-M

Coast Guard

33 CFR Part 117

[CGD8-89-11]

Drawbridge Operation Regulations; Trinity River, and Buffalo Bayou, TX

AGENCY: U.S. Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Southern Pacific Transportation Company, the Coast Guard is considering a change to the regulations governing the operations of two drawbridges. One is across the Trinity River and one is across Buffalo Bayou, Texas, as follows:

(1) The swing span bridge across the Trinity River, mile 117.3, at Goodrich, Polk County, Texas.

(2) The swing span bridge across Buffalo Bayou, mile 3.1, at Houston, Harris County, Texas.

The proposed changes would provide that the bridges need not be opened for the passage of vessels. Presently, there is no operating regulation for the Trinity River bridge, and the Buffalo Bayou bridge is required to open on signal when at least 24 hours notice is given.

This proposal is being made because no requests have been made to open the draws for 30 years at the Trinity River bridge and for 17 years at the Buffalo Bayou bridge. This action should relieve the bridge owner of the burden of having persons available for opening the draws while still providing for the the reasonable needs of navigation.

DATE: Comments must be received on or before November 2, 1989.

ADDRESS: Comments should be mailed to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396. The comments and other materials referenced in this notice will be available for inspection and copying in Room 1115 at this address. Normal office hours are between 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John Wachter, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposal may be changed in the light of comments received.

Drafting Information

The drafters of this notice are John Wachter, project officer, and Commander J. A. Unzicker, project attorney.

Discussion of Proposed Regulation

Vertical clearance of the Trinity River bridge in the closed position is 3 feet at mean high water and 43 feet at mean low water. Vertical clearance of the Buffalo Bayou bridge is 29 feet at mean high water and 35 feet at mean low water. Navigation requiring bridge openings at the two sites is non-existent, since neither of the bridges has opened for the passage of vessels for a period of years. The Trinity River bridge has not opened for 30 years and the Buffalo Bayou bridge has not opened for 17 years.

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that the Trinity River bridge and the Buffalo Bayou bridge have not been opened for a period of 30 and 17 years respectively. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05-1(g); 33 CFR 117.43.

2. Section 117.955 is revised to read as follows:

§ 117.955 Buffalo Bayou.

(a) The draw of the Lockwood Drive bridge, mile 2.3 at Houston, and all drawbridges downstream of it, shall open on signal if at least 24 hours notice is given.

(b) The draws of the Southern Pacific railroad bridge, mile 3.1, and the Houston Belt and Terminal railroad bridge, mile 4.3, need not be opened for the passage of vessels.

3. Section 117.989 is revised to read as follows:

§ 117.989 Trinity River.

The draws of the Southern Pacific railroad bridges, mile 41.4 at Liberty and mile 117.3 at Goodrich, the Missouri Pacific railroad bridges, mile 54.8 at Kenefick and mile 181.8 at Riverside, and the Atchison Topeka & Santa Fe railroad bridge, mile 96.2 at Romayor, need not be opened for the passage of vessels.

Dated: August 31, 1989.

W. F. Merlin,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 89-21890 Filed 9-15-89; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD8-89-10]

Drawbridge Operation Regulations; Teche Bayou, LA

AGENCY: U.S. Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the requests of the Parish of St. Mary and the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is considering a change to the regulations governing the operations of two parish owned and two state owned drawbridges over Teche Bayou, Louisiana, as follows:

(1) The swing span bridge, mile 27.0, at Baldwin, St. Mary Parish, Louisiana (St. Mary Parish owned).

(2) The swing span bridge, mile 32.5, on LA 324, at Charenton, St. Mary Parish, Louisiana.

(3) The swing span bridge, mile 37.0, on LA 670, at Adeline, St. Mary Parish, Louisiana.

(4) The swing span bridge, mile 38.9, at Sorrel, St. Mary Parish, Louisiana (St. Mary Parish owned).

These proposed changes would require that the draws of all four bridges open on at least four hours advance notice 24 hours a day. Presently, the draws are required to open on signal except that from 6 p.m. to 10 a.m. the draws open on signal if at least four hours notice is given.

This proposal is being made because of infrequent requests to open the draws of the bridges. This action should relieve the bridge owners of the burden of having persons constantly available at the bridges during the proposed advance notice period while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before November 2, 1989.

ADDRESS: Comments should be mailed to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396. The comments and other materials referenced in this notice will be available for inspection and copying in Room 1115 at this address. Normal office hours are between 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John Wachter, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate the all communications received and determine a course of final action on this proposal. This proposed regulation may be changed in the light of comments received.

Drafting Information

The drafters of this notice are John Wachter, project officer, and Commander J. A. Unzicker, project attorney.

Discussion of Proposed Regulation

Vertical clearance of the swing span bridge, mile 27.0, at Baldwin, is six feet above high tide in the closed position. Vertical clearance of the swing span bridge, mile 32.5, at Charenton, is seven feet above high tide in the closed position. Vertical clearance of the swing span bridge, mile 37.0, at Adeline, is six feet above high tide in the closed position, and vertical clearance of the swing span bridge, mile 38.9, at Sorrel, is seven feet above high tide in the closed position. All four bridges have unlimited clearance in the open position. Waterway traffic consists of commercial vessels, fishing/shrimping boats and recreational craft. Data submitted by the bridge owners show that for the Baldwin Bridge, mile 27.0, there were 137 openings from January through December 1988 during the proposed advance notice period; an average of one opening every three days. For the Charenton Bridge, mile 32.5, there were 327 openings during the proposed advance notice period; an average of less than one opening each day. For the Adeline bridge, mile 37.0, there were no data submitted because the old bridge at this location has been removed and a new bridge is under construction. Due to the location of the Adeline Bridge, it can be assumed that passage of vessels at this site is similar to the other three bridges since it is located between and relatively close to the bridges that have data available. For the Sorrel Bridge mile 38.9, there were 93 openings during the proposed advance notice period; an average of approximately one opening every four days.

Considering the few openings involved, the Coast Guard feels that the current on-site attendance at the bridges between the hours of 10 a.m. and 6 p.m. is not warranted, and that the bridges can be placed on four hours advance notice during that period. This arrangement will allow relief to the bridge owners, while still providing for the reasonable needs of navigation.

The advance notice for opening either of the St. Mary Parish owned bridges, at mile 27.0 and mile 38.9, would be given by placing a collect call at any time to the St. Mary Parish sheriff's dispatcher at (318) 828-1960, and an opening of the LDOTD owned bridges, at mile 32.5 and mile 37.0, would be given by placing a collect call at any time to the LDOTD district office in Bridge City, Louisiana at (504) 436-9100. From afloat, this contact can be made by radiotelephone through a public coast station.

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the

Department of Transportation regulatory policies and procedures (44 FR 11034: February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that the average number of vessels passing these bridges during the proposed advance notice period, as evidenced by the bridge openings from January through December 1988, is well below one opening per day. These vessels can reasonably give advance notice for a bridge opening by placing a collect call to the bridge owner at any time. The mariners requiring the bridge openings are repeat users of the waterway and scheduling their arrival at the bridges at the appointed time during the proposed advance notice period should involve little or no additional expense to them. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05–1(g); 33 CFR 117.43.

2. Section 117.501 is amended by removing paragraph (a); by redesignating existing paragraphs (b) through (e) as paragraphs (a) through (d); by redesignating new paragraphs (a)(6) through (a)(19) as paragraphs (a)(10) through (a)(23); and, by adding new paragraphs (a)(6) through (a)(9) to read as follows:

§ 117.501 Teche Bayou.

(a) * * *

(6) St. Mary Parish bridge, mile 27.0 at Baldwin.

(7) S324 bridge, mile 32.5 at Charenton.

(8) S670 bridge, mile 37.0 at Adeline.

(9) St. Mary Parish bridge, mile 38.9 at Sorrel.

* * * * *

Dated: August 31, 1989.

W. F. Merlin,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 89–21691 Filed 9–15–89; 8:45 am]

BILLING CODE 4910–14–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 89–2]

Compulsory License for and Merger of Cable Systems; Notice of Inquiry

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of inquiry.

SUMMARY: The Copyright Office of the Library of Congress issues this notice of inquiry to inform the public that it is examining the issues of merger and acquisition of cable systems and their impact on the computation of royalties under the cable compulsory license of the Copyright Act, section 111, title 17 U.S.C. The Office also seeks public comments and proposals as to the proper reporting and royalty calculation procedures for cable systems under common ownership in contiguous communities, whether as a result of merger of systems or expansion of a single system.

DATE: Initial comments should be received by December 1, 1989. Reply comments should be received by December 29, 1989.

ADDRESS: Interested persons should submit ten copies of their written comments as follows:

If sent by mail: United States Copyright Office, Library of Congress, Department 17, Washington, DC 20540.

If delivered by hand: Office of the Register of Copyrights, Copyright Office, James Madison Memorial Building, Room 407, First and Independence Avenue, SE., Washington, DC.

FOR ADDITIONAL INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Department 17, Washington, DC 20540. Telephone: (202) 707–8380.

SUPPLEMENTARY INFORMATION:

1. Background

Section 111(c) of the Copyright Act of 1976, title 17 of the United States Code, establishes a compulsory licensing system under which cable systems may make secondary transmissions of copyrighted works embodied in broadcast signals. The compulsory license is subject, among other conditions, to requirements that the cable system report its signal carriage in statements of account twice yearly and remit royalties to the Copyright Office, in accordance with a statutory formula, for later distribution to copyright owners. The royalty is calculated by applying the number of distant signal equivalents ("DSE's") and the royalty rate against the gross amounts paid to the cable system by its subscribers for the basic service of providing secondary transmissions.

The Copyright Act also provides, as part of the section 111(f) definition of a cable system, that "[f]or purposes of determining the royalty fee under subsection (d)(1), two or more cable systems in contiguous communities under common ownership or control or operating from one head-end shall be considered as one system."

On December 1, 1977, in one of our first proceedings under the cable compulsory license, the Office published proposed rules in the **Federal Register** (42 FR 61051) to establish the basic reporting and royalty payment filing procedures for cable systems. Among other issues, we considered the meaning of the above-quoted final sentence of the definition of cable system. We noted that the "legislative history of the Act indicates that the purpose of this sentence is to avoid the artificial fragmentation of cable systems," since Congress fixed lower rates for smaller cable systems.

In final regulations published January 5, 1978 (43 FR 958), we adopted an interpretation of the last sentence of the statutory definition of cable system that exactly tracks the text of the statute, except that letter designations were inserted in the text to show our understanding of the congressional intent. This regulation, § 201.17(b)(2), remains in effect. The National Cable Television Association (NCTA) has several times requested that the Copyright Office re-open the matter of the correct interpretation of the final sentence of the statutory definition of cable system. We have not revisited this issue since 1978 because the regulation in question was adopted after a careful review of the legislative history of the Copyright Act by those Copyright Office officials who were active participants in the copyright revision process that led to enactment of the 1976 Act.

By this Notice, however, the Copyright Office re-opens the matter of the interpretation of the final sentence of the definition of cable system in 17 U.S.C. 111(f) (hereafter the "contiguous communities" provision). We do so

because, in addition to the requests of the NCTA for reconsideration of this issue, the Copyright Office has received several letters from representatives of cable systems asking us to provide guidance on the reporting and filing procedures where one system acquires or merges with another. Mergers of systems present a number of problems in computing the royalty fees, including the problem that the merger frequently involves "adjoining" systems, and therefore raises questions about the contiguous communities provision.

Under the existing regulation, two or more cable facilities are classified as one individual cable system if the facilities are either in contiguous communities under common ownership or control or are operating from one common headend. A single statement of account must be filed in these cases and the "combined" DSE's must be applied against the gross receipts for secondary transmissions for the "combined" system. The growing expansion of cable system coverage and recent trends toward economic concentration in the industry create several difficulties with respect to the determination of the proper royalty sums due under the cable compulsory license. In an effort to resolve these difficulties, the Office is conducting this inquiry into the matter of the merger and acquisition of cable systems and their impact on the computation of royalties under the cable compulsory license.

In defining a cable system for purposes of the cable compulsory license, § 201.17(b)(2) of 37 CFR, provides that "two or more cable facilities are considered as one cable system if the facilities are either: (A) In contiguous communities under common ownership or control or (B) operating from one headend." Thus, if two or more cable systems satisfy this aspect of the definition of "cable system," they must submit a single Statement of Account as one system and calculate the royalty fee accordingly. However, given the current climate of cable system expansion, corporate mergers and acquisitions present real problems in calculating the royalty payment due from the system.

For example, assume a situation where there are two completely independent but contiguous cable systems. System A carries two non-permitted (3.75% rate) independent station signals and System B, assigned a different television market, carries the same two independent station signals but on a permitted (base rate) basis, plus a superstation signal on a non-permitted (3.75% rate) basis. Systems A and B are purchased by the same parent company and apparently become a single cable system for purposes of the compulsory license. The purchase raises several problematic issues as to the calculation of the proper royalty fee. Should the independent stations be paid for at the 3.75% rate or the non-3.75% rate system-wide, or should the rates be allocated among subscribers within the system and, if so, on what basis? Furthermore, if allocation is the answer, what rate can be attributed to new subscribers to the merged system? Finally, there is the question of the superstation signal which is only carried by former cable System B. At the time of acquisition, should the superstation be attributed throughout the entire system, even though many subscribers do not receive the signal (a so-called "phantom" signal)? And which system's market quota (A's or B's) should be used for the entire statement? Innumerable variations and combinations of signal carriage, permitted versus non-permitted signals, and television market quotas are possible. These vexing questions present a serious problem for a newly contiguous, merged system in calculating the proper royalty fee.

Under another regulation, 37 CFR 201.17(h), cable systems may pay the non-3.75% rate in some cases where "expanded geographic carriage" of certain signals occurs. This regulation is specifically limited, however, to the situation in which a signal was actually carried in only part of a system due to the pre-June 25, 1981 Federal Communications Commission (FCC) carriage restrictions. In adopting this regulation as part of the implementation of the Copyright Royalty Tribunal's (CRT) 1982 rate adjustment, we reasoned that the "expanded geographic carriage" which results directly from the FCC's 1980 deregulation order does not represent any "additional DSE" because before deregulation the system had to pay royalties system-wide for FCC restricted signals. (49 FR 14944, April 16, 1984 and 49 FR 26722, June 29, 1984). At that time, we addressed issues relating to the CRT's 1982 rate adjustment, and we did not have before us any evidence or comment regarding merger or acquisition of cable systems. This regulation therefore only applies to the expansion of signal coverage within a system resulting from the FCC 1980 deregulation. It does not cover situations where expanded carriage of a signal results from the creation of a new system through merger or acquisition, which operates in contiguous communities.

2. Filing Procedures and Policies for Merged Cable Systems

In view of the many problems created by mergers, acquisitions and expansion, the Copyright Office, in order to develop a coherent policy to deal with these matters, invites public comment on the general problem and on the following questions.

(1) In the hypothetical case posited above, where contiguous Systems A & B carry the same two independent station signals (and System B carries an additional signal) but, before the merger, System A must pay the 3.75% rate for the independent signals, and the two systems are subsequently purchased by the same entity, how should the proper royalty fee determination be made and should the Copyright Office continue to require Systems A & B to file a single statement of account?

(2) Should the merged system be required to pay the 3.75% rate for the two independent station signals for all the subscribers to the system (subscribers to both A & B), or should the two signals be treated as permitted (non-3.75% rate) signals for the entire system, and, if so, why? Or, should the system be allowed to allocate the rates among the former subscribers to System A and B, resulting in the cable system paying for the right to secondarily transmit the same independent station signals at different royalty rates?

(3) If allocation between two different royalty rates for the same two independent station signals is desirable, on what basis should it be allowed? Should the former boundries separating Systems A & B be followed for purposes of determining the allocation? What happens if the system expands and adds new subscribers? How should they be treated for purposes of allocating the rate among the same two signals?

(4) In the hypothetical case, System B also carried a superstation signal at the 3.75% rate. At the time of the acquisition, the superstation signals would still only be received by the former subscribers of System B. How should this signal be paid for by the new system? (a) Should the superstation signal be attributed to the entire subscriber base, even though many subscribers do not actually receive the signal (a so-called "phantom" signal)? or (b) If allocation of the signal is desirable, on what basis should it be allowed? Should the sums paid by only those subscribers who actually receive the signal be included in the gross receipts for that signal?

(5) In considering the impact of mergers and acquisitions of the computation of the royalty fee, should

the method by which the combined system was developed affect the policies relating to computation of royalties? (That is, should it make any difference whether the new system comes about through merger of two systems to form a third new one, or if one system acquires another and the second system disappears, or if both systems remain largely intact from an operational viewpoint but are now under common ownership?)

(6) If the systems were franchised by different local authorities, may the new system allocate the gross receipts to account for disparate local franchising conditions that require maintenance of certain secondary transmission service, which will not be system wide in the new cable system?

(7) The preliminary assessment of the Copyright Office is that, except for the definition of cable system in section 111(f) of the Copyright Act, the issues posed by merger and acquisition of systems are primarily matters of administrative and regulatory policy. To the extent that neither the statute nor the legislative history of the Act give guidance, the Copyright Office could probably provide guidance based on its responsibility for the fair and effective administration of the compulsory license. We request comment, however, whether the Copyright Office should attempt to provide guidance on these matters, which were largely uncontemplated by the Congress in establishing the compulsory license.

Dated: August 29, 1989.

Ralph Oman,

Register of Copyrights.

Approved by: James H. Billington, Librarian of Congress.

[FR Doc. 89-21717 Filed 9-15-89; 8:45 am]

BILLING CODE 1410-08-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration

44 CFR Part 67

[Docket No. FEMA-6966]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed base flood elevation modifications listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

PART 67—[AMENDED]

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ALABAMA	
Jackson County (unincorporated areas)	
Little Paint Creek:	
About 1,200 feet downstream of Old Highway 63	*560
Just downstream of State Highway 63	*591
Yellow Branch:	
About 1.4 miles downstream of Lee Highway	*607
About 0.63 mile upstream of Norfolk Southern Railway	*608
Tennessee River:	
At downstream county boundary	*597
At state boundary	*613
Dry Creek:	
About 0.8 mile downstream of County Highway 33	*608
About 1 mile upstream of County Highway 33	*616
Crow Creek:	
At mouth	*605
About 1.5 miles upstream of CSX railroad	*611
Bengis Creek:	
About 3,200 feet upstream of CSX railroad	*617
About 4,900 feet upstream of corporate limits	*620
Bengis Creek Tributary:	
About 600 feet upstream of Old Mt. Carmel Road	*613
Just downstream of Carroll Street	*619
Maps available for inspection at the County Commission Office, County Courthouse, Scottsboro, Alabama.	
Send comments to The Honorable Houston Kennamer, Chairman, County Commissioners, Jackson County, County Courthouse, Scottsboro, Alabama 65768.	
Lamar County (unincorporated areas)	
Yellow Creek:	
About 1.8 miles downstream of State Highway 17	*269
About 1.7 miles upstream of Columbus Avenue East	*293
Tributary No. 1:	
At mouth	*273
About 0.9 mile upstream of State Highway 18	*316
Luxapallila Creek:	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Just upstream of confluence of Brushy Creek	*247
About 2,500 feet upstream of confluence of Rushing Creek	*267
Maps available for inspection at the County Courthouse, Vernon, Alabama.	
Send comments to The Honorable Ted Boyette, Chairman, County Commissioners, Lamar County, P.O. Box 338, Vernon, Alabama 35592.	
Monroe County (unincorporated areas)	
Alabama River:	
About 0.85 mile upstream of confluence of Shomo Creek	*35
About 8.41 miles upstream of confluence of Big Flat Creek	*62
Maps available for inspection at the County Courthouse, Monroeville, Alabama.	
Send comments to The Honorable Otha Lee Biggs, Chairman, County Commissioners, Monroe County, County Courthouse, Monroeville, Alabama 36461.	
Pickens County (unincorporated areas)	
Tombigbee River:	
At southern county boundary	*131
About 2,000 feet upstream of western county boundary	*156
Lubbub Creek:	
About 5.2 miles downstream of Burlington Northern railroad	*135
Just downstream of County Highway 24	*158
Maps available for inspection at the County Courthouse, Carrollton, Alabama.	
Send comments to The Honorable William H. Long, Chairman, County Commissioners, Pickens County, County Courthouse, Carrollton, Alabama 35477.	
CONNECTICUT	
Bethlehem (town), Litchfield County	
Weekeepeemee River:	
At downstream corporate limits	*449
Approximately 0.4 mile upstream of Double Hill Road	*801
East Spring Brook:	
At downstream corporate limits	*483
Approximately 0.9 mile upstream of the first crossing of Nonewaug Road	*565
Nonewaug River:	
At downstream corporate limits	*483
At upstream corporate limits	*640
Maps available for inspection at the Town Clerk's Office, Town Hall, Bethlehem, Connecticut.	
Send comments to The Honorable George Eggert, First Selectman of the Town of Bethlehem, Litchfield County, Town Hall, P.O. Box 160, Bethlehem, Connecticut 06751.	
GEORGIA	
Appling County (unincorporated areas)	
Sweetwater Creek:	
At confluence of Tributary A	*149
Just downstream of Norfolk Southern Railway	*201
Tributary A:	
At mouth	*149
Just downstream of County Route 189	*160
Just upstream of County Route 189	*166
Just upstream of U.S. Route 341	*196
Tributary B:	
At mouth	*170
About 1,200 feet upstream of Holmesville Avenue	*195
Tributary C:	
At mouth	*173
Just downstream of Nails Ferry Road	*180
Just upstream of Nails Ferry Road	*187
Just downstream of County Route 26	*196

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tenmile Creek:	
Just upstream of Ben Carter Road	*146
At confluence of Tributary C	*173
Maps available for inspection at the County Courthouse, Baxley, Georgia.	
Send comments to The Honorable Duane Whitley, Chairman, County Board of Commissioners, Appling County, P.O. Box 616, Baxley, Georgia 31513.	
Dublin (city), Laurens County	
Oconee River:	
About 1.8 miles downstream of East Jackson Street	*177
At confluence of Hunger and Hardship Creek	*182
Hunger and Hardship Creek:	
At mouth	*182
Just upstream of Springdale Road	*211
Ford Branch:	
At mouth	*203
About 0.6 mile upstream of Shamrock Drive	*215
Long Branch:	
About 1.0 mile downstream of Glenwood Avenue	*177
About 0.6 mile upstream of Industrial Boulevard	*221
Maps available for inspection at the City Hall, Dublin, Georgia.	
Send comments to The Honorable Albert Franks, Mayor, City of Dublin, P.O. Box 690, Dublin, Georgia 31040.	
Houston County (unincorporated areas)	
Echeconnee Creek:	
About 0.8 mile downstream of State Route 247	*263
Just downstream of Houston Road	*287
Mossy Creek:	
Just upstream of State Route 247 spur	*256
Just downstream of State Route 127	*278
Redding Branch:	
At confluence with Mossy Creek	*270
Just downstream of Kersey Lake Dam	*271
Just upstream of Kersey Lake Dam	*277
Just downstream of Bob White Road Dam	*289
Just upstream of Bob White Road Dam	*304
Just downstream of Moody Road	*304
Just upstream of private dam	*310
Just downstream of Mt. Zion Road	*336
Just upstream of Mt. Zion Road	*346
About 2,100 feet upstream of Mt. Zion Road	*347
Sandy Run Creek:	
About 500 feet downstream of State Highway 247	*269
Just downstream of South Houston Lake Road	*328
Bay Gall Creek:	
About 1,550 feet downstream of Webb Road	*380
Just downstream of Dunbar Road	*435
Just upstream of Dunbar Road	*440
Just downstream of Houston Lake Road	*445
Bay Gall Creek Tributary No. 2:	
About 0.5 mile downstream of Collins Avenue	*373
About 1.2 miles upstream of White Road	*444
Howard Branch:	
At mouth	*308
At confluence of Robins Run	*316
Robins Run:	
About 300 feet downstream of Augus Boulevard	*321
About 650 feet upstream of Augus Boulevard	*328
Tributary C:	
About 2,400 feet upstream of Ward Street	*364
About 4,100 feet upstream of Ward Street	*396
Maps available for inspection at the County Building Inspector's Office, County Annex, Warner Robins, Georgia.	
Send comments to The Honorable Charles P. Stewart, Chairman, County Board of Commissioners, Houston County, 200 Carl Vinson Parkway, Warner Robins, Georgia 31088.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ILLINOIS	
Fairbury (city), Livingston County	
Indian Creek:	
About 2,900 feet downstream of Locust Street	*666
About 2,100 feet upstream of Seventh Street	*674
Maps available for inspection at the City Hall, 101 East Locust Street, Fairbury, Illinois.	
Send comments to The Honorable Roger Lynn Dameron, Mayor, City of Fairbury, City Hall, 101 East Locust Street, Fairbury, Illinois 61739-1546.	
MASSACHUSETTS	
Cummington (town), Hampshire County	
Westfield River:	
Approximately 160 feet downstream of the downstream corporate limits	*897
Approximately 0.45 mile upstream of the extreme western crossing of State Route 9	*1,197
Maps available for inspection at the Community House, Main Street, Cummington, Massachusetts.	
Send comments to The Honorable Dennis Forgea, Chairman of the Town of Cummington Board of Selectmen, Hampshire County, Community House, Main Street Cummington, Massachusetts 01026.	
MICHIGAN	
Armada (village), Macomb County	
East Branch Coon Creek:	
About 450 feet downstream of Grand Trunk Western Railroad	*720
Just downstream of Armada Center Road	*748
Woodbeck Drain:	
At mouth	*728
About 375 feet upstream of Armada Ridge Road	*743
Unnamed Tributary:	
At mouth	*735
About 500 feet upstream of Teitz Road	*741
Maps available for inspection at the Village Hall, 22940 West Main, Armada, Michigan.	
Send comments to The Honorable Ann Krause, Village President, Village of Armada, Village Hall, Drawer C, 22940 West Main, Armada, Michigan 48005.	
MINNESOTA	
Murray County (unincorporated areas)	
Lake Sarah: Along shoreline	*1,526
Lake Maria: Along shoreline	*1,531
Lake Shetek: Along shoreline	*1,487
Fulda First Lake: Along shoraline	*1,499
Fulda Second Lake: Along shoreline	*1,499
Maps available for inspection at the Office of County Zoning Administrator, County Courthouse, Slayton, Minnesota.	
Send comments to The Honorable Duane Kirchner, Chairman, County Board, Murray County, County Government Center, Slayton, Minnesota 56172.	
Pennington County (unincorporated areas)	
Red Lake River:	
About 5.85 miles downstream of dam	*1,089
About 2.40 miles upstream of County Highway 24	*1,157
Maps available for inspection at the Office of the County Auditor, County Courthouse, 101 N. Main, Thief River Falls, Minnesota.	
Send comments to The Honorable Oliver Swanson, Chairman, County Board, Pennington County, County Courthouse, 101 N. Main, Thief River Falls, Minnesota 56701.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
MISSISSIPPI	
De Soto County (unincorporated areas)	
Camp Creek:	
Just upstream of College Road	*298
About 0.4 mile upstream of De Soto Road	*361
Licks Creek:	
At mouth	*305
About 1,700 feet upstream of Burlington Northern railroad	*357
Nolehoe Creek:	
At mouth	*308
Just downstream of Goodman Road	*348
Bean Patch Creek:	
Just upstream of Pleasant Hill Road	*303
Just downstream of College Road	*335
Horn Lake Creek:	
About 0.7 mile downstream of State Line Road	*232
About 800 feet upstream of Elmore Road	*294
Cow Pen Creek:	
At mouth	*254
Just downstream of Church Road	*287
Southaven Creek: Within community	*254
Lateral E:	
At mouth	*294
About 0.4 mile downstream of Swinnea Road	*297
Mississippi River:	
At downstream county boundary	*214
At upstream county boundary	*219

Maps available for inspection at the Planning Department, County Courthouse, Hernando, Mississippi.

Send comments to The Honorable Eulo Loyd, President, Board of Supervisors, De Soto County, County Courthouse, Hernando, Mississippi 38632.

Horn Lake (city, De Soto County

Cow Pen Creek:	
About 1,500 feet downstream of Goodman Road	*258
Just downstream of Church Road	*287
Horn Lake Creek:	
Just downstream of Illinois Central Railroad	*259
Just downstream of Interstate 55	*279
Rocky Creek:	
At mouth	*268
About 0.6 mile upstream of mouth	*274

Maps available for inspection at the Planning Department, City Hall, 2285 Goodman Road, Horn Lake, Mississippi.

Send comments to The Honorable Michael Thomas, Mayor, City of Horn Lake, City Hall, 2285 Goodman Road, Horn Lake, Mississippi 38637.

Pearl River County (unincorporated areas)

East Hobolochitto Creek:	
At mouth	*50
Just downstream of West Union Road	*86
Hobolochitto Creek:	
About 1.1 mile downstream of Beech Road	*46
At confluence of East Hobolochitto Creek	*50
West Hobolochitto Creek:	
At mouth	*50
Just downstream of County Road (11.1 miles upstream of State Highway 43)	*81
Alligator Branch:	
About 1,400 feet downstream of Asa McQueen Road	*27
About 2,500 feet upstream of Solid Rock Road	*54
2nd Alligator Branch:	
About 2,300 feet downstream of Asa McQueen Road	*32
About 1,300 feet upstream of Shorty Burgess Road	*51
2nd Alligator Branch Tributary:	
At mouth	*43
About 2,400 feet upstream of Shorty Burgess Road	*53
Holley Creek:	
About 670 feet downstream of East Sycamore Road	*65
Just downstream of East Sycamore Road	*67
Pearl River:	
About 1,270 feet downstream of Interstate 59	*27
About 0.4 mile upstream of Interstate 59	*28
Mill Creek:	
About 2,800 feet downstream of Jackson Landing Road	*46
Just downstream of Jackson Landing Road	*51

Maps available for inspection at the Chancery Clerks' Office, County Courthouse, Poplarville, Mississippi.

Send comments to The Honorable James O. Ladner, President, Board of Supervisors, Pearl River County, P.O. Box 431, Poplarville, Mississippi 39470.

NEW YORK

Margaretville (village), Delaware County

East Branch Delaware River:	
Approximately 730 feet downstream of downstream corporate limits	*1,308
At upstream corporate limits	*1,328
Bull Run:	
At its confluence with the East Branch Delaware River	*1,321
Approximately 635 feet upstream of Orchard Street	*1,375

Maps available for inspection at the Village Hall, Binnekill Square, Margaretville, New York.

Send comments to The Honorable Kenneth Miller, Mayor of the Village of Margaretville, Delaware County, P.O. Box 403A, Margaretville, New York 12455.

NORTH CAROLINA

Anson County (unincorporated areas)

Lanes Creek:	
About 1.3 miles downstream of SR 1404	*356
About 1,200 feet upstream of SR 1238	*411

Maps available for inspection at the Building Inspection Office, Law Enforcement Center, Wadesboro, North Carolina.

Send comments to The Honorable Tom Robinson, County Manager, Anson County, County Courthouse, Wadesboro, North Carolina 28170.

OHIO

Aurora (city), Portage County

Aurora Lake: Along shoreline	*1,002
Channel Brook: Within community	*1,002
Small Brook:	
Just downstream of Access Road	*996
About 1,400 feet upstream of Garfield West Road	*1,012
Tributary No. 1: Within community	*1,007

Maps available for inspection at the City Hall, 130 Chillicothe Road, Aurora, Ohio.

Send comments to The Honorable Richard Shaw, Mayor, City of Aurora, City Hall, 130 Chillicothe Road, Aurora, Ohio 44202.

Reminderville (village), Summit County

Aurora Pond: Along shoreline	*1,002
Pond Brook:	
About 1,350 feet upstream of mouth	*993
About 600 feet upstream of Clipper Cove	*998
Tributary D:	
At mouth	*997
Just upstream of Pirates Trail	*1002
Channel Brook:	
At mouth	*1,002
About 700 feet upstream of Glenwood Road	*1,004
Tributary A:	
At mouth	*994
Just downstream of Aurora Pond Dam	*996

Maps available for inspection at the Village Hall, 3601 Glenwood Boulevard, Aurora, Ohio.

Send comments to The Honorable Thomas E. Schmida, Mayor, Village of Reminderville, 3601 Glenwood Boulevard, Aurora, Ohio 44202.

Seneca County (unincorporated areas)

Sandusky River:	
Just downstream of County Route 38	*688
About 2.49 miles upstream of St. John's Bridge Road	*765

Maps available for inspection at the County Engineer's Office, County Courthouse, 81 Jefferson Street, Tiffin, Ohio.

Send comments to The Honorable Timothy Berlekamp, President, Board of Commissioners, Seneca County, 81 Jefferson Street, Tiffin, Ohio 44883.

Tremont City (village), Clark County

Chapman Creek:	
About 900 feet downstream of Mulberry Street	*951
About 1,000 feet upstream of Mulberry Street	*960
Mad River: Within community	*946

Maps available for inspection at the Municipal Building, 26 East Main Street, Tremont City, Ohio.

Send comments to The Honorable William E. Powell, Mayor, Village of Tremont City, 26 East Main Street, Tremont City, Ohio 45372.

PENNSYLVANIA

Benson (borough). Somerset County

Stony Creek River:	
At downstream corporate limits	*1,525
Approximately 250 feet upstream of upstream corporate limits	*1,545

Maps available for inspection at the Benson Fire Hall. Railroad and Mill Streets, Hollsopple, Pennsylvania.

Send comments to The Honorable Thomas Marshall, President of the Benson Borough Council, Somerset County, P.O. Box 19, Hollsopple, Pennsylvania 15935

Big Run (borough), Jefferson County

Mahoning Creek:	
Downstream corporate limits	*1,281
Upstream corporate limits	*1,291
Big Run:	
Confluence with Mahoning Creek	*1,282
Upstream corporate limits	*1,284

Maps available for inspection at the War Memorial Building, Main Street, Big Run, Pennsylvania.

Send comments to The Honorable Robert D. Buffington, President of the Borough of Big Run Borough Council, Jefferson County, Box 419, Big Run, Pennsylvania 15715.

Broad Top (township), Bedford County

Rayston Branch Juniata River:	
Approximately 2,450 feet downstream of T-529	*859
Approximately 4.2 miles upstream of LR 05056	*916
Sandy Run:	
Approximately 200 feet downstream of confluence with Longs Run	*993
Approximately 180 feet upstream of T-550	*1,074
Longs Run:	
At confluence with Sandy Run	*1,002
Approximately 126 feet upstream of T-553	*1,101
Sixmile Run:	
Approximately 0.5 mile downstream of confluence with Brewster Hollow Run	*972
Approximately 225 feet downstream of LR 05069	*1,137

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Broad Top Township Building, Municipal Loop, Defiance, Pennsylvania.	
Send comments to The Honorable Drexel McIntyre, Chairman of the Township of Broad Top Board of Supervisors, Bedford County, R.D. #1, Six Mile Run, Pennsylvania 16679.	
Brockway (borough), Jefferson County	
Little Toby Creek:	
At downstream corporate limits	*1,438
At upstream corporate limits	*1,449
Maps available for inspection at the Borough Building, 501 Main Street, Brockway, Pennsylvania.	
Send comments to The Honorable Lou Inzana, President of the Brockway Borough Council, Jefferson County, 501 Main Street, Brockway, Pennsylvania 15824.	
Brookville (borough), Jefferson County	
Redbank Creek:	
Downstream corporate limits	*1,210
Confluence with North Fork and Sandy Lick Creek	*1,215
Sandy Lick Creek:	
Confluence with Redbank Creek	*1,215
Upstream corporate limits	*1,229
North Fork:	
Confluence with Redbank Creek	*1,215
Upstream corporate limits	*1,234
Maps available for inspection at the Municipal Building, 2 Jefferson Court, Brookville, Pennsylvania.	
Send comments to The Honorable Donald Wilson, President of the Brookville Borough Council, Jefferson County, Municipal Building, 2 Jefferson Court, Brookville, Pennsylvania 15825.	
Cambridge (township), Crawford County	
French Creek:	
At downstream corporate limits	*1,133
At upstream corporate limits	*1,144
Maps available for inspection at the Township Building, R.D 1, Cambridge Springs, Pennsylvania.	
Send comments to The Honorable Patrick Hermann, Supervisor of the Township of Cambridge, Crawford County, R.D. 1, Cambridge Springs, Pennsylvania 16403.	
Cambridge Springs (borough), Crawford County	
French Creek:	
Downstream corporate limits	*1,143
Upstream corporate limits	*1,143
Maps available for inpsection at the Borough Building, 26 Federal Street, Cambridge Springs, Pennsylvania.	
Send comments to The Honorable Dan Durovey, Manager of the Borough of Cambridge Springs, Crawford County, 26 Federal Street, Cambridge Springs, Pennsylvania 16403.	
Central City (borough), Somerset County	
Dark Shade Creek:	
At downstream corporate limits	*2,154
At upstream corporate limits	*2,166
Little Dark Shade Creek:	
At downstream corporate limits	*2,154
Approximately 175 feet upstream of State Route 160	*2,167
Maps available for inspection at the Municipal Building, 241 Sunshine Avenue, Central City, Pennsylvania.	
Send comments to The Honorable Catharine Hilshansky, President of the Central City Borough Council, Somerset County, 241 Sunshine Avenue, Central City, Pennsylvania 15926.	
Clover (township), Jefferson County	
Redbank Creek:	
Downstream corporate limits	*1,148
Approximately 2.2 miles upstream of downstream corporate limits	*1,164
Maps available for inspection at the State Legislative Route 3010 (home of the Township Secretary), Corsica, Pennsylvania.	
Send comments to The Honorable Dean Shields, Chairman of the Township of Clover Board of Supervisors, Jefferson County, R.D. 1, Corsica, Pennsylvania 15829.	
Cochranton (borough), Crawford County	
French Creek:	
At downstream corporate limits	*1,059
At upstream corporate limits	*1,063
Little Sugar Creek:	
At confluence with French Creek	*1,063
Approximately 0.5 mile upstream of N. Franklin Street	*1,082
Maps available for inspection at the Borough Building, 104 East Adams Street, Cochranton, Pennsylvania.	
Send comments to The Honorable Kathleen Bauer, President of the Cochranton Borough Council, Crawford County, 104 East Adams Street, Cochranton, Pennsylvania 16314.	
Conemaugh (township), Somerset County	
Stonycreek River:	
At downstream corporate limits	*1,212
Approximately 300 feet upstream of Legislative Route 55106	*1,242
Approximately 1,300 feet downstream of State Route 403	*1,525
Approximately 1,050 feet upstream of CSX Transportation (abandoned)	*1,543
Unnamed Tributary A to Stonycreek River:	
At confluence with Stonycreek River	*1,530
Approximately 200 feet downstream of State Route 403	*1,620
Unnamed Tributary B to Stonycreek River:	
At confluence with Stonycreek River	*1,219
Approximately 100 feet upstream of Legislative Route 55103	*1,317
Bens Creek:	
At confluence with Stonycreek River	*1,213
At confluence of South Fork and North Fork Bens Creek	*1,318
South Fork Bens Creek:	
Approximately 1.3 miles downstream of Township Route 733 (Keafer Hill Road)	*1,339
Approximately 150 feet upstream of T-733	*1,366
Approximately 375 feet downstream of L.R. 55077	*1,405
Approximately 225 feet upstream of Legislative Route 55158	*1,425
Unnamed Tributary to South Fork Bens Creek:	
At confluence with South Fork Bens Creek	*1,409
Approximately .3 mile upstream of confluence of South Fork Bens Creek	*1,431
Mill Creek:	
At confluence with Bens Creek	*1,213
At upstream corporate limits	*1,235
Maps available for inspection at the Conemaugh Municipal Building, Route 403, Tire Hill, Pennsylvania.	
Send comments to The Honorable Marvin R. Gindlesperger, Chairman of the Township of Conemaugh Board of Supervisors, Somerset County, R.D. 3, Box 62, Hollsopple, Pennsylvania 15935.	
East Fairfield (township) Crawford County	
French Creek:	
At downstream corporate limits	*1,063
At upstream corporate limits	*1,069
Maps available for inspection at the Township Building, R.D. #3, Cochranton, Pennsylvania.	
Send comments to The Honorable Charles R. Alsdorf, Chairman of the Township of East Fairfield Board of Supervisors, Crawford County, R.D. #3, Cochranton, Pennsylvania 16314.	
Garrett (borough), Somerset County	
Casselman River:	
Approximately 630 feet downstream of L.R. 55026 (Berlin Street)	*1,910
Approximately 200 feet upstream of corporate limits	*1,924
Buffalo River:	
At confluence with Casselman River	*1,923
At upstream corporate limits	*1,936
Maps available for inspection at the Garrett Borough Building, Lafayette Street, Garrett, Pennsylvania.	
Send comments to The Honorable Douglas E. Hartman, President of the Garrett Borough Council, Somerset County, Garrett, Pennsylvania 15542.	
Gaskill (township), Jefferson County	
Mahoning Creek:	
Downstream corporate limits	*1,279
At CSX Transportation	*1,301
Maps available for inspection at the Township Building, Route 36, Gaskill, Pennsylvania.	
Send comments to The Honorable Keith Miller, Chairman of the Township of Gaskill Board of Supervisors, Jefferson County, R.D. #2, Box 340, Punxsutawney, Pennsylvania 15767.	
Greene (township), Franklin County	
Conococheague Creek:	
At the downstream corporate limits	*609
Approximately 1.2 miles upstream of State Route 997 (Black Gap Road)	*883
Auxiliary Channel of Conococheague Creek:	
At the confluence with Conococheague Creek	*705
At the divergence from Conococheague Creek	*719
Cold Spring Run:	
At the confluence with Conococheague Creek	*759
Approximately 188 feet upstream of State Route 997 (Black Gap Road)	*931
Maps available for inspection at the Greene Township Building, 1145 Garver Lane, Scotland, Pennsylvania.	
Send comments to The Honorable Richard Kramer, Chairmen of the Township of Greene Board of Supervisors, Franklin County, Box 215, Scotland, Pennsylvania 17254.	
Guilford (township), Franklin County	
Conococheague Creek:	
Approximately 0.2 mile downstream of Hollywell Avenue	*561
At the upstream corporate limits	*572
Falling Spring Branch:	
At the downstream corporate limits	*641
Approximately 70 feet upstream of the fourth crossing of L.R. 28003 (Falling Spring Road)	*694
Tributary to Falling Spring Branch:	
At the downstream corporate limits	*634
Approximately 520 feet upstream of T-462 (Willowbrook Drive)	*640
English Valley Run:	
At the downstream corporate limits	*744
Approximately 325 feet upstream of the confluence of Tributary B to English Valley Run	*829
Tributary A to English Valley Run:	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At the confluence with English Valley Run	*765
Approximately 245 feet upstream of Old State Route 997 (Mont Alto Road)	*777
Tributary B to English Valley Run:	
At the confluence with English Valley Run	*826
Approximately 0.3 mile upstream of the confluence with English Valley Run	*838

Maps available for inspection at the Guilford Township Building, 427 Skelly Road, Chambersburg, Pennsylvania.

Send comments to The Honorable John W. Rife, Chairman of the Township of Guilford Board of Supervisors, Franklin County, Township Building, 427 Skelly Road, Chambersburg, Pennsylvania 17201.

Hamilton (township), Franklin County

Back Creek:	
Approximately 500 feet downstream of T-467 (Leafmore Road)	*528
At the T-533 (Crottlestown Road)	*542
Conococheague Creek:	
Approximately 0.2 mile downstream of T-481 (Boyer Mill Road)	*561
Approximately 0.6 mile upstream of T-483	*576
Approximately 0.8 mile downstream from most upstream corporate limits	*584
At most upstream corporate limits	*590

Maps available for inspection at the Hamilton Township Building, Hamilton, Pennsylvania.

Send comments to The Honorable James C. Hollenshead, Chairman of the Township of Hamilton Board of Supervisors, Franklin County, 1270 Crottlestown Road Chambersburg, Pennsylvania 17201.

Heidelberg (township), Berks County

Tulpehocken Creek:	
At Charming Forge Dam	*345
Approximately 0.3 mile upstream of T-502 (Mill Road), at the upstream corporate limits	*359
Spring Creek:	
At the downstream corporate limits	*306
Approximately 810 feet upstream of Palm Road	*364
Furnace Creek:	
At confluence with Spring Creek	*363
Approximately 520 feet upstream of U.S. Route 422	*414
Unnamed Tributary to Furnace Creek:	
At confluence with Furnace Creek	*372
Approximately 200 feet upstream of corporate limits	*396

Maps available for inspection at the Heidelberg Township Building, Charming Forge Road, Robesonia, Pennsylvania.

Send comments to The Honorable Robert Manbeck, Chairman of the Township of Heidelberg Board of Supervisors, Berks County, Box 241, Robesonia, Pennsylvania 19551.

Hereford (township), Berks County

Perkiomen Creek:	
Downstream corporate limits	*355
Upstream side of I-893	*666
Approximately .5 mile upstream of T-914	*820
Tributary A to Perkiomen Creek:	
At confluence with Perkiomen Creek	*360
Upstream side of upstream crossing of LR 06140	*598
Tributary A to Tributary A to Perkiomen Creek:	
At confluence with Tributary A to Perkiomen Creek	*390
Approximately 120 feet upstream of LR 06067	*411
Tributary B to Tributary A to Perkiomen Creek:	
At confluence with Tributary A to Perkiomen Creek	*442
Approximately .33 mile upstream of confluence with Tributary A to Perkiomen Creek	*473
Tributary B to Perkiomen Creek:	
At confluence with Perkiomen Creek	*663
Approximately 120 feet upstream of T-918	*724
West Branch Perkiomen Creek:	
Approximately 400 feet downstream of downstream corporate limits	*589
Approximately .9 mile upstream of LR 06140	*777
Unnamed Tributary to West Branch Perkiomen Creek:	
At confluence with West Branch Perkiomen Creek	*619
Approximately 90 feet upstream of upstream corporate limits	*654

Maps available for inspection at the Hereford Township Building, Hereford, Pennsylvania.

Send comments to The Honorable Walter Schmidt, Jr., Chairman of the Township of Hereford Board of Supervisors, Berks County, Box 688, R.D. #3, Barto, Pennsylvania 19504.

Hooversville (borough), Somerset County

Stonycreek River:	
At downstream corporate limits	*1,655
At upstream corporate limits	*1,681

Maps available for inspection at the Borough Building, Main Street, Hooversville, Pennsylvania.

Send comments to The Honorable Dewayne Berkebile, President of the Hooversville Borough Council, Somerset County, Hooversville, Pennsylvania 15936.

Mount Carmel (township), Northumberland County

Shamokin Creek:	
Approximately 3,950 feet downstream of corporate limits	*1,031
Approximately 100 feet upstream of corporate limits	*1,050
North Branch:	
Approximately 1,250 feet downstream of CONRAIL	*1,040
Approximately 600 feet upstream of State Routes 54 and 61	*1,059

Maps available for inspection at the Mount Carmel Municipal Building, Forrest and Laurel Streets, Atlas, Pennsylvania.

Send comments to The Honorable Frank Sawicki, Chairman of the Township of Mount Carmel Board of Supervisors, Northumberland County, Forrest and Laurel Streets, Atlas, Pennsylvania 17851.

Ogle (township), Somerset County

Roaring Fork:	
Approximately 350 feet downstream of T-816	*2,106
At downstream side of T-835	*2,111
Unnamed Tributary to Roaring Fork:	
At confluence with Roaring Fork	*2,111
Approximately 600 feet upstream of confluence with Roaring Fork	*2,125
Clear Shade Creek:	
Approximately 1,580 feet downstream of State Route 56	*2,319
Approximately 150 feet upstream of T-773	*2,321
Unnamed Tributary to Clear Shade Creek:	
At confluence with Clear Shade Creek	*2,320
Approximately 220 feet upstream of L.R. 55086	*2,334

Maps available for inspection at the Ogle Township Community Building, Schoolhouse Drive, Windber, Pennsylvania.

Send comments to The Honorable Stanford Seese, Chairman of the Township of Ogle Board of Supervisors, Somerset County, 8033 Clear Shade Drive, Windber, Pennsylvania 15963.

Oley (township), Berks County

Manatawny Creek:	
Approximately 0.3 mile downstream of downstream corporate limits	*268
Approximately 290 feet upstream of L.R. 664 (Bertolet Mill Road)	*351
Little Manatawny Creek:	
At confluence with Manatawny Creek	*319
Approximately 750 feet upstream of second upstream crossing of State Route 73	*486
Furnace Creek:	
At confluence with Little Manatawny Creek	*337
Approximately 170 feet upstream of Township Route 606 (Furnace Road)	*556
Monocacy Creek:	
At the downstream corporate limits, Limekiln Road (L.R. 06027)	*274
Approximately 750 feet upstream of Township Route 539 (West School Road)	*347
Oysterville Creek:	
At confluence with Manatawny Creek	*310
Approximately 0.8 mile upstream of Township Route 595	*351
Bieber Creek:	
At the confluence with Manatawny Creek	*336
Approximately 150 feet upstream of upstream corporate limits	*407
Unnamed Tributary to Oysterville Creek:	
At confluence with Oysterville Creek	*318
At the upstream corporate limits	*327
Unnamed Tributary to Little Manatawny Creek:	
At confluence with Little Manatawny Creek	*475
At upstream corporate limits	*484

Maps available for inspection at the Municipal Building, Rose Virginia Avenue, Oley, Pennsylvania.

Send comments to The Honorable Leroy Howard, Chairman of the Township of Oley Board of Supervisors, Berks County, Municipal Building, Rose Virginia Avenue Oley, Pennsylvania 19547.

Paint (township), Somerset County

Stonycreek River:	
At downstream corporate limits	*1,545
At upstream corporate limits	*1,606
Seese Run:	
Approximately 125 feet downstream of corporate limits	*1,737
Approximately 0.38 mile upstream of State Highway 56	*1,816

Maps available for inspection at the Paint Township Municipal Building, R-400 Hayes Street, Windber, Pennsylvania.

Send comments to The Honorable Jeffrey L. Penrod, Chairman of the Township of Paint Board of Supervisors, Somerset County, 61 Spruce Street, Windber, Pennsylvania 15963.

Quincy (township), Franklin County

West Branch Antietam Creek:	
At downstream corporate limits	*648
Approximately 0.79 mile downstream of L.R. 28009 (Anthony Highway)	*941
Unnamed Tributary to West Branch Antietam Creek:	
Approximately 150 feet downstream of corporate limits	*638
Approximately 800 feet upstream of L.R. 28032 (Clay Hill Road)	*705

Maps available for inspection at the Quincy Township Building, 7575 Mentzer Gap Road, Waynesboro, Pennsylvania.

Send comments to The Honorable Earl Gates, Chairman of the Township of Quincy Board of Supervisors, Franklin County, Township Building, 7575 Mentzer Gap Road, Waynesboro, Pennsylvania 17268.

Robesonia (borough), Berks County

Furnace Creek:	
At downstream corporate limits	*396
At upstream corporate limits	*508
Unnamed Tributary to Furnace Creek:	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 300 feet downstream of downstream corporate limits	*393
At upstream corporate limits	*437
Maps available for inspection at the Borough Hall, Robesonia, Pennsylvania.	
Send comments to The Honorable Luke Fisher, President of the Robesonia Borough Council, Berks County, 15 South Church Street, Robesonia, Pennsylvania 19551.	
Rockhill (borough), Huntingdon County	
Blacklog Creek:	
At confluence of Jordan Run	*620
Approximately 1,950 feet upstream of State Route 994 (Meadow Street)	*643
Jordan Run:	
At downstream corporate limits	*620
Approximately 125 feet upstream of State Route 994 (Meadow Street)	*628
Maps available for inspection at the Municipal Building, Meadow Street, Rockhill, Pennsylvania.	
Send comments to The Honorable Herbert E. Snyder, President of the Rockhill Borough Council, Huntingdon County, P.O. Box 3, Rockhill Furnace, Pennsylvania 17249.	
Rockwood (borough), Somerset County	
Casselman River:	
Downstream corporate limits	*1,802
Upstream corporate limits	*1,813
Coxes Creek:	
Confluence with Casselman River	*1,811
Approximately 170 feet upstream of Day Street	*1,816
Maps available for inspection at the Rockwood Municipal Building, Market Street, Rockwood, Pennsylvania.	
Send comments to The Honorable Cathy E. Haer, President of the Rockwood Borough Council, Somerset County, 384 Main Street, Rockwood, Pennsylvania 15557.	
Saegerstown (borough), Crawford County	
French Creek:	
At upstream corporate limits	*1,116
At downstream corporate limits	*1,110
Woodcock Creek:	
At upstream corporate limits	*1,112
At downstream corporate limits	*1,109
Maps available for inspection at the Borough Building, Saegerstown, Pennsylvania.	
Send comments to The Honorable Raymond Beers, President of the Saegerstown Borough Council, Crawford County, Saegerstown, Pennsylvania 16433.	
Somerset (township), Somerset County	
East Branch Coxes Creek:	
Approximately 830 feet downstream of L.R. 55111	*2,083
Approximately .4 mile upstream of Interstate Routes 70 and 76	*2,106
Unnamed Tributary to East Branch Coxes Creek:	
At confluence with East Branch Coxes Creek	*2,103
At downstream corporate limits	*2,103
Parson Run:	
At confluence with East Branch Coxes Branch	*2,098
At downstream side of Cannel Drive	*2,099
Maps available for inspection at the Municipal Building, on Pennsylvania Route 601, Somerset, Pennsylvania.	
Send comments to The Honorable Dean M. Ream, Chairman of the Township of Somerset Board of Supervisors, Somerset County, Municipal Building, R.D. 2, Box 218, Somerset, Pennsylvania 15501.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
South Heidelberg (township), Berks County	
Cacoosing Creek:	
At U.S. Route 422	*326
At T-375 (Mail Route Road)	*488
Little Cacoosing Creek:	
At the downstream corporate limits	*331
Approximately 50 feet upstream of T-379 (Bell Alto Road)	*418
Hospital Creek:	
At the downstream corporate limits	*382
Approximately 0.2 mile upstream of CONRAIL	*421
Manor Creek:	
At downstream corporate limits	*363
Approximately 0.2 mile upstream of T-379 (Walters Road)	*422
Tributary to Spring Creek:	
At the downstream corporate limits	*393
Approximately 500 feet upstream of CONRAIL	*416
Maps available for inspection at the Township Building, South Heidelberg, Pennsylvania.	
Send comments to The Honorable J. Philip Preston, Chairman of the Township of South Heidelberg Board of Supervisors, Berks County, R.D. #1, Box 87, Wernersville, Pennsylvania 19565.	
Steuben (township), Crawford County	
Oil Creek:	
Downstream corporate limits	*1,254
Approximately 1.1 mile downstream of L.R. 20116	*1,256
Maps available for inspection at the Township Secretary's Office, Route 4, Centerville, Pennsylvania.	
Send comments to The Honorable Charles Brown, Chairman of the Township of Steuben Board of Supervisors, Crawford County, Route 1, Townville, Pennsylvania 16360.	
St. Thomas (township), Franklin County	
Back Creek:	
At confluence with Conococheague Creek	*482
At the upstream corporate limits	*543
Maps available for inspection at the Municipal Building, 965 Hade Road, St. Thomas, Pennsylvania.	
Send comments to The Honorable Robert E. Scott, Chairman of the Township of St. Thomas Board of Supervisors, Franklin County, 965 Hade Road, Chambersburg, Pennsylvania.	
Summerville (borough), Jefferson County	
Redbank Creek:	
Downstream corporate limits	*1,154
200 feet upstream of upstream corporate limits	*1,164
Maps available for inspection at the Borough Building, Second Avenue and West Penn Street, Summerville, Pennsylvania.	
Send comments to The Honorable Howard Johnson, President of the Borough of Summerville Council, Jefferson County, Summerville, Pennsylvania 15864.	
Terry (township), Bradford County	
Susquehanna River:	
Downstream corporate limits	*676
Upstream corporate limits	*689
Maps available for inpsection at the Terry Township Building, Wyalusing, Pennsylvania.	
Send comments to The Honorable Francis Hardenstein, Chairman of the Township of Terry Board of Supervisors, Bradford County, R.D. 2, Box 220, Wyalusing, Pennsylvania 18853.	
Topton (borough), Berks County	
Toad Creek:	
At the downstream corporate limits	*454

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At the upstream corporate limits	*527
Maps available for inspection at the Topton Borough Hall, Topton, Pennsylvania.	
Send comments to The Honorable Dale A. Cullin, President of the Topton Borough Council, Berks County, 44 West Street, Topton, Pennsylvania 19562.	
Troy (township), Crawford County	
Oil Creek:	
Downstream corporate limits	*1,244
Upstream corporate limits	*1,254
Maps available for inspection at the Township Secretary's Office, 107 St. John Street, Titusville, Pennsylvania.	
Send comments to The Honorable Melvin Proper, Chairman of the Township of Troy Board of Supervisors, Crawford County, R.D 4, Titusville, Pennsylvania 16354.	
Ursina (borough), Somerset County	
Laurel Hill Creek:	
Approximately 420 feet downstream of downstream corporate limits	*1,332
Approximately 220 feet upstream of upstream corporate limits	*1,345
Maps available for inspection at the Ursina Municipal Building, Wayland Avenue, Ursina, Pennsylvania.	
Send comments to The Honorable Perry Kreger, President of the Borough of Ursina Council, Somerset County, R.D. #3, Confluence, Pennsylvania 15424.	
Venango (borough), Crawford County	
French Creek:	
At downstream corporate limits	*1,134
At the upstream corporate limits	*1,137
Maps available for inspection at the Borough Building, Church Street, Venango, Pennsylvania.	
Send comments to The Honorable John Smith, Mayor of the Borough of Venango, Crawford County, P.O. Box 78, Church Street, Venango, Pennsylvania 16440.	
Vernon (township), Crawford County	
French Creek:	
Downstream corlorate limits	*1.072
Upstream corporate limits	*1,087
Cussewago Creek:	
At the confluence with French Creek	*1.079
Upstream corporate limits	*1.085
Maps available for inspection at the Township Building, R.D. 9, Box 500, Meadville, Pennsylvania.	
Send comments to The Honorable Chuc Longo, Chairman of the Township of Vernon Board of Supervisors, Crawford County, R.D. 9, Box 500, Meadville, Pennsylvania 16335.	
Wayne (township), Crawford County	
French Creek:	
Downstream corporate limits	*1,055
Upstream corporate limits	*1.058
Maps available for inspection at the Wayne Township Building, R.D. 1, Cochranton, Pennsylvania.	
Send comments to The Honorable Harold G. Girardat, Chairman of the Township of Wayne Board of Supervisors, Crawford County, R.D. 1, Cochranton, Pennsylvania 16314.	
Winslow (township), Jefferson County	
Sandy Lick Creek:	
At CONRAIL Bridge	*1.366

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 1.8 miles upstream of upstream Reynoldsville Borough corporate limits	*1,373
Soldier Run:	
Approximately 2,000 feet downstream of Route 278	*1,378
Third crossing of U.S. Route 322	*1,434

Maps available for inspection at the Township Secretary's home, Township Road 539, Reynoldsville, Pennsylvania.

Send comments to The Honorable William Pegnetter, Chairman of the Township of Winslow Board of Supervisors, Jefferson County, R.D. #1, Reynoldsville, Pennsylvania 15851.

Woodcock (township), Crawford County

French Creek:	
At downstream corporate limits	*1,093
At upstream corporate limits	*1,133
Woodcock Creek:	
At confluence with French Creek	*1,109
Approximately 530 feet upstream of Price Road (T-676)	*1,206

Maps available for inspection at the Township Building, R.D. 2, Saegertown, Pennsylvania.

Send comments to The Honorable Raymond W. Edge, Chairman of the Township of Woodcock Board of Supervisors, Crawford County, R.D. 2, Saegertown, Pennsylvania 16433.

Wyalusing (borough), Bradford County

Susquehanna River:	
Downstream corporate limits	*678
Upstream corporate limits	*680

Maps available for inspection at the Borough Hall, Wyalusing, Pennsylvania.

Send comments to The Honorable Neil Lattimer, President of the Wyalusing Borough Council Bradford County, Borough Hall, Wyalusing, Pennsylvania 18853.

SOUTH CAROLINA

Marion County (unincorporated areas)

Catfish Canal:	
About 1.8 miles downstream of County Road 34	*40
About 3,400 feet upstream of County Road 263	*68
Pitch Pot Swamp:	
About 400 feet downstream of County Road 64	*47
About 2,750 feet upstream of U.S. Route 76	*58
Smith Swamp:	
At mouth	*46
Just downstream of State Route 41A	*97
White Oak Creek:	
Just upstream of County Road 31	*50
About 1,150 feet upstream of CSX railroad	*94
Fowler Branch:	
Just upstream of County Road 31	*50
Just upstream of dam	*55
Just downstream of State Route 41	*92
Maidendown Swamp:	
Just downstream of County Road 22	*72
Just upstream of County Road 44	*80
Maidendown Swamp Tributary:	
Just downstream of County Road 540	*80
Just downstream of Norton Street	*95
Lumber River:	
At mouth	*49
About 1.4 miles upstream of CSX railroad	*56
Catfish Canal Tributary:	
At mouth	*54
Just downstream of CSX railroad	*62

Maps available for inspection at the County Tax Assessor's Office, Ralph Gasque Building, Marion, South Carolina.

Send comments to The Honorable Douglas Freeman, County Administrator, Marion County, P.O. Box 183, Marion, South Carolina 29571.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
TENNESSEE	
Grainger County (unincorporated areas)	
Holston River:	
At downstream county boundary	*865
Just downstream of Cherokee Dam	*935
Richland Creek:	
Just upstream of Fennel Road	*914
About 1.2 miles upstream of Smith Hollow Road	*919
Flat Creek:	
At downstream county boundary	*1,172
About 0.83 mile upstream of Bellview Road	*1,234
Cherokee Lake: Along shoreline	*1,075

Maps available for inspection at the County Courthouse, Rutledge, Tennessee.

Send comments to The Honorable Michael K. Hammer, County Executive, Grainger County, County Courthouse, Rutledge, Tennessee 37861.

TEXAS

Clarksville (city), Red River County

Delaware Creek:	
Approximately 280 feet upstream of Union Pacific Railroad	*423
Approximately 200 feet upstream of upstream side of proposed State Route 37 Bypass	*433

Maps available for inspection at the City Hall, 800 W. Main Street, Clarksville, Texas 75426.

Send comments to The Honorable Gavin Watson, Mayor of the City of Clarksville, Red River County, 800 West Main Street, Clarksville, Texas 75426.

Levelland (city), Hockley County

Playa #1—Cactus Lake:	
Northeast of intersection of Cactus Drive and Flint Drive	*3,500
Southeast of intersection of Cactus Drive and Flint Drive	*3,505
Playa #2—Brashear Lake: North side of South Plains Junior College	*3,501
Playa #3—Kauffman Lake: West of Badger Avenue, spanning north and south of State Route 114	*3,507
Playa #4—13th Street Lake: At the intersection of 13th Street and West Avenue	*3,505
Playa #5—North Park Lake: West of Carver School and north of State Route 114 at Lucile Avenue	*3,515

Maps available for inspection at the City Hall, 501 Avenue G, Levelland, Texas.

Send comments to The Honorable Kenny Willman, Mayor of the City of Levelland, Hockley County, P.O. Box 1010, Levelland, Texas 79336.

Somerville (city), Burleson County

Stream TCA:	
Approximately 350 feet downstream of Maintenance Road	*242
At the downstream side of County Road 422	*255
Stream TCB:	
At the confluence with Stream TCA	*250
Approximately 1,020 feet upstream of Avenue E	*250
Shallow Flooding Areas:	
Area between the Atchison, Topeka and Santa Fe Railroad embankment and Avenue B East of 7th Street	#1
Area between the southern tracks of the Atchison, Topeka & Santa Fe Railroad, Rosa Lee Lane, and Thornberry Lane	#1
Area east of Thornberry Lane between County Route 422 and Stream TCA	#1
Area between the north tracks of the Atchison, Topeka and Santa Fe Railroad, east of Stream TCA	#1

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)

Maps available for inspection at the City Hall, 214 8th Street, Somerville, Texas.

Send comments to The Honorable Frank J. Komar, Mayor of the City of Somerville, Burleson County, P.O. Box 159, Somerville, Texas 77879.

VIRGINIA

Brunswick County (unincorporated areas)

Great Creek:	
Approximately .4 mile downstream of confluence of Sandy Branch	*175
Approximately 1.9 miles upstream of third crossing of Norfolk and Western Railroad	*205
Roses Creek:	
At confluence with Great Creek	*178
Approximately 1.4 miles upstream of confluence of Rocky Run	*197

Maps available for inspection at the County Administrator's Office, 102 Tobacco Street, Lawrence, Virginia.

Send comments to The Honorable Marilyn Brammer, Brunswick County Administrator, P.O. Box 13, Lawrenceville, Virginia 23868.

West Point (town), King William County

York River: Shoreline at Main Street, extended	*8
Pamunkey River: At State Route 33 bridge	*8
Mattaponi River: At State Route 33 bridge	*8

Maps available for inspection at the Town Hall, 329 6th Street, West Point, Virginia.

Send comments to The Honorable Watson M. Allen, Town Manager of the Town of West Point, King William County, P.O. Box 152, West Point, Virginia 23181.

WISCONSIN

Palmyra (village), Jefferson County

Scuppernong River:	
About 500 feet downstream of Jefferson Street	*798
Just downstream of Jefferson Street	*799
Just upstream of Jefferson Street	*805
Just downstream of Main Street	*806
South Branch:	
At mouth	*798
About 1,800 feet upstream of Jefferson Street	*806
South Branch Tributary:	
At mouth	*802
About 900 feet upstream of mouth	*804
Spring Lake: Along shoreline	*818

Maps available for inspection at the Village Hall, 103 Jefferson Street, Palmyra, Wisconsin.

Send comments to The Honorable Edward Lempke, Village President, Village of Palmyra, Village Hall, 103 Jefferson Street, Palmyra, Wisconsin 53166.

Viola (village), Vernon and Richland Counties

Kickapoo River:	
About 2,900 feet downstream of State Highway 131	*763
About 2,000 feet upstream of State Highway 56	*769

Maps available for inspection at the Village Hall, Viola, Wisconsin.

Send comments to The Honorable Ivan Joholski, Village President, Village of Viola, Village Hall, Box 56, Viola, Wisconsin 54664.

The proposed modified base (100-year) flood elevations for selected locations are:

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NVGD)	
				Existing	Modified
Alabama	Town of Woodville, Jackson County.	Little Paint Creek	About 1,200 feet downstream of Old Highway 63	None	*589
			Just downstream of State Highway 63	None	*591
		Yellow Branch	At mouth	None	*591
			About 2,750 feet upstream of Norfolk Southern Railway.	None	*608
Maps available for inspection at the Town Hall, Woodville, Alabama. Send comments to The Honorable Denton Kennamer, Mayor, Town of Woodville, Town Hall, Woodville, Alabama 35776					
California	Kern County Unincorporated Areas.	Bodfish Creek	Approximately 100 feet upstream of confluence with Kern River.	None	*2,385
			Approximately 40 feet downstream of Lake Isabella River.	None	*2,495
			Approximately 50 feet downstream of Bodfish Canyon Road.	None	*2,732
			Approximately 60 feet downstream of Upper Bodfish Canyon Road.	None	*3,054
			Approximately 3,040 feet upstream of Upper Bodfish Canyon Road.	None	*3,260
		East Nicolls Peak Alluvial Fan	At Kelso Valley Road	None	#1
			At 4,500 feet above Kelso Valley Road	None	#2
Maps are available for review at the Kern County Planning Department, 1415 Truxton Avenue, Bakersfield, California. Send comments to The Honorable Ben Austin, Chairman, Kern County Board of Supervisors, 1415 Truxton Avenue, Bakersfield, California 93301.					
California	City of San Ramon, Contra Costa County.	South San Ramon Creek	Just upstream of Alcosta Boulevard	None	*358
			Just upstream of Pine Valley Road	None	*373
			Approximately 1,750 feet upstream of PG&E Road	None	*388
			Approximately 150 feet upstream of Montevideo Road.	None	*407
			Approximately 950 feet upstream of Montevideo Road.	None	*408
		South San Ramon Creek (overbank flooding).	At confluence with South San Ramon Creek	None	*363
			Approximately 100 feet upstream of Thunderbird Place.	None	*369
			Approximately 150 feet upstream of Pebble Place	None	*373
			Just upstream of Pine Valley Road	None	*377
			Approximately 500 feet upstream of PG&E Road	None	*382
Maps are available for review at the Public Works Department, 2228 Camino Ramon, San Ramon, California. Send comments to The Honorable Wayne W. Bennett, Mayor, City of San Ramon, 2222 Camino Ramon, San Ramon, California 94583.					
Connecticut	Wilton, Town, Fairfield County	Silvermine River	At downstream corporate limits	None	*122
			Approximately 200 feet upstream of the upstream corporate limits.	None	*185
		Parting Brook	At confluence with Silvermine River	None	*181
			Approximately 0.7 mile upstream of Thayer Pond Road.	None	*393
Maps available for inspection at the Planning Office, Town Hall, 238 Danbury Street, Wilton, Connecticut. Send comments to The Honorable Edward C. Desmond, Chairman of the Town of Wilton Board of Selectmen, Fairfield County, Town Hall, 238 Danbury Street, Wilton, Connecticut 06897.					
Georgia	City of Macon, Bibb and Jones Counties, and Bibb County.	Beaverdam Creek	At mouth	*326	*325
			About 1.0 mile upstream of Interstate 75	*378	*367
		Beaverdam Creek Tributary	At mouth	*339	*341
			About 1,600 feet upstream of New Forsyth Road	*355	*352
		Rocky Creek	About 1,400 feet upstream of U.S. Route 41	None	*284
			Just downstream of Tucker Road	*369	*365
			Just upstream of Tucker Road	*369	*370
			Just downstream of Lake Wildwood Dam	379	*384
			Just upstream of Lake Wildwood Dam	*379	*396
			Just downstream of upstream County boundary	*472	*472
		Rocky Creek Tributary No. 2	At mouth	*290	*293
			Just downstream of Wilson Street	*340	*335
		Wolf Creek	At mouth	*336	*337
			Just downstream of Ayres Road	*359	*356
			Just upstream of Ayres Road	*359	*362
			Just downstream of dam	*436	*438
			Just upstream of dam	*436	*453
			Just downstream of Bass Road	*441	*453
		Savage Creek	At mouth	*320	*320
			Just downstream of Guerry Drive	*381	*382
			Just upstream of Guerry Drive	*385	*387
			About 1,000 feet upstream of Guerry Drive	*390	*392

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NVGD)	
				Existing	Modified
		Echeconnee Creek	Just downstream of Hawkinsville Road	*266	*264
			Just downstream of Houston Road	*285	*287
		Echeconnee Creek Tributary	At mouth	None	*274
			About 0.7 mile upstream of Criswood Drive	None	*355
		Lake Tobesofkee Tributary	At mouth	None	*365
			About 0.7 mile upstream of Midway Road	None	*434
		Savage Creek Tributary No. 2	At mouth	*335	*330
			Just downstream of Old Lundy Road	*337	*337
		Savage Creek Tributary No. 3	At mouth	*346	*344
			About 450 feet downstream of Forest Lake Drive South.	*347	*347
		Savage Creek Tributary No. 5	At mouth	*371	*372
			Just upstream of Marlowe Drive	*373	*373

Maps available for inspection at the Southern Trust Building, 682 Cherry Street, Suite 1000, Macon, Georgia.
Send comments to The Honorable Vernon B. Ryle III, Executive Director, Planning and Zoning Commission, City of Macon and Bibb County, Southern Trust Building, 682 Cherry Street, Suite 1000, Macon, Georgia 31201.

Minnesota	Thief River Falls (City), Pennington County.	Red Lake River	About 1.35 miles downstream of dam	None	*1,106
			Just downstream of dam	None	*1,111
			Just upstream of dam	None	*1,118
			About 2.65 miles upstream of confluence of Thief River.	None	*1,121

Maps available for inspection at the Building Inspector's Office, City Hall, 2nd & Main Avenues, Thief River Falls, Minnesota.
Send comments to The Honorable Bob Carlson, Mayor, City of Thief River Falls, City Hall, 2nd & Main Avenues, Thief River Falls, Minnesota 56701.

Mississippi	City of Olive Branch, De Soto County.	Camp Creek	About 2,200 feet downstream of U.S. Highway 78	None	*320
			Just downstream of De Soto Road	None	*357
		Licks Creek	About 1,300 feet downstream of State Highway 305.	None	*328
			Just upstream of Burlington Northern railroad	None	*352

Maps available for inspection at the Planning Commission Office and City Clerk's Office, City Hall, 9189 East Pigeon Roast, Olive Branch, Mississippi.
Send comments to The Honorable D.M. Nicholas, Mayor, City of Olive Branch, City Hall, 9189 East Pigeon Roast, Olive Branch, Mississippi 38654.

Mississippi	City of Picayune, Pearl River County.	Hobolochitto Creek	About 1.1 miles downstream of Beech Road	*45	*46
			Just downstream of Beech Road	*49	*49
		East Hobolochitto Creek	At mouth	*50	*50
			About 1.2 miles upstream of Interstate 59	*61	*59
		Holley Creek	At mouth	*58	*55
			About 4,200 feet upstream of mouth	*58	*58
		Bay Branch	At mouth	*55	*52
			Just downstream of State Route 43	*60	*57
		Thigpen Creek	At mouth	*54	*52
			About 600 feet upstream of Stemwood Drive	*54	*54

Maps available for inspection at the Code Enforcement Office, City Hall, 203 Goodyear Boulevard, Picayune, Mississippi.
Send comments to The Honorable J. Wood Spiers, Jr., Mayor, City of Picayune, City Hall, 203 Goodyear Boulevard, Picayune, Mississippi 39466.

Mississippi	City of Southaven, De Soto County.	Horn Lake Creek	About 300 feet downstream of State Line Road	*234	*235
			About 500 feet downstream of Elmore Road	None	*289
		Rocky Creek	At mouth	*270	*268
			About 1,500 feet upstream of mouth	*270	*270
		Lateral E	About 1,200 feet upstream of mouth	None	*296
			Just downstream of Swinnea Road	*301	*301
		Southaven Creek	About 1,700 feet downstream of Illinois Central Railroad.	254	*254
			Just downstream of Whitworth Street	*284	*284

Maps available for inspection at the Planning Department, City Hall, 8625 Highway 51, North, Southaven, Mississippi.
Send comments to The Honorable J.A. Cates, Mayor, City of Southaven, P.O. Box 425, Southaven, Mississippi 38671.

New York	Pittstown, Town, Rensselaer County.	Hoosic River	Approximately 100 feet downstream of the downstream corporate limits.	None	*280
			Approximately 1,200 feet downstream of the upstream corporate limits.	None	*351

Maps available for inspection at the Town Hall, Route 110, Tomhanncock, New York.
Send comments to The Honorable Henry C. Requate, Supervisor for the Town of Pittstown, Rensselaer County, R.D. 2, Box 50, Valley Falls, New York 12185.

South Dakota	City of Spearfish, Lawrence County.	Higgins Gulch	Approximately 2,300 feet downstream of county road.	None	*3,390
			At Higgins Gulch Road	None	*3,443
			Approximately 60 feet upstream of U.S. Highway 14.	None	*3,513

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NVGD)	
				Existing	Modified
			Just downstream of western extraterritorial jurisdictional limits.	None	*3,806
		Spearfish Creek	Just upstream of extraterritorial jurisdictional limits	None	*3,386
			Approximately 160 feet upstream of U.S. Highway 14.	None	*3,510
			At corporate limits located 4,550 feet downstream of Utah Boulevard.	None	*3,525
			Approximately 2,100 feet downstream of Utah Blvd.	None	*3,550
			At southern corporate limits	*3,699	*3,699
			Approximately 520 feet upstream of corporate limits.	None	*3,706
			Approximately 3,100 feet upstream of corporate limits.	None	*3,738
		Hungry Hollow Gulch	Approximately 264 feet upstream of confluence with Spearfish Creek.	*3,634	*3,630
			At intersection of Jackson Boulevard and Ames Street.	*3,643	*3,640
			Just downstream of intersection of Iris and Ames Streets.	*3,653	*3,650
			Just upstream of Iris Street	*3,655	*3,656
			Approximately 400 feet downstream of St. Joe Avenue.	*3,669	*3,669
		False Bottom Creek	At U.S. Forest Service Road	None	*3,848
			Approximately 2,200 feet upstream of U.S. Forest Service Road.	None	*3,871
			Just upstream of east bound lane of Interstate Highway 90.	None	*3,936
			Approximately 270 feet upstream of U.S. Highway14.	None	*3,994

Maps are available for review at the Office of the Public Works Director, 722 Main Street, Spearfish, South Dakota.
Send comments to The Honorable Fred Romkema, Mayor, City of Spearfish, 722 Main Street, Spearfish, South Dakota 57783.

Issued: September 7, 1989.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 89-21630 Filed 9-15-89; 8:45 am]

BILLING CODE 6718-03-M

ACTION

45 CFR Part 1214

Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by ACTION

AGENCY: ACTION.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by ACTION. It sets forth standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition for individual with handicaps and qualified individual with handicaps, and establishes a complaint mechanism for resolving allegations of discrimination. This regulation is issued under the authority of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in programs or activities conducted by Federal executive agencies.

DATE: Comments must be received before November 17, 1989. Comments should refer to specific sections in the regulation.

ADDRESS: Comments should be sent to Director, Equal Opportunity Staff, ACTION, 806 Connecticut Avenue, NW., Washington, DC 20525.

Comments received will be available for public inspection in Room 207, from 9:00 a.m. to 5:00 p.m. Monday through Friday except legal holidays. Copies of this notice will be made available on tape for persons with impaired vision who request them.

FOR FURTHER INFORMATION CONTACT: Director, Equal Opportunity Staff, ACTION at (202) 634-9312 voice or (202) 566-2673 (TDD).

SUPPLEMENTARY INFORMATION: The purpose of this proposed rule is to provide for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), as it applies to programs and activities conducted by ACTION. Section 504 states in pertinent part that:

> No otherwise qualified individual with handicaps in the United States, * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance *or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of Congress, and such regulation may take effect no earlier than the thirtieth day after the date on which such regulation is so submitted to such committees.*
>
> (29 U.S.C. 794 (1978 amendment italicized).)

The substantive nondiscrimination obligations of the agency, as set forth in this proposed rule, are identical, for the most part, to those established by Federal regulations for programs or

activities receiving Federal financial assistance. (*See* 28 CFR part 41 (section 504 coordination regulation for federally assisted programs).) This general parallelism is in accord with the intent expressed by supporters of the 1978 amendment in floor debate, including its sponsor, Rep. James M. Jeffords, that the Federal Government should have the same section 504 obligations as recipients of Federal financial assistance. 124 Cong. Rec. 13901 (1978) (remarks of Rep. Jeffords); 124 Cong. Rec. E2668, E2670 (daily ed. May 17, 1978) *id.*; 124 Cong. Rec. 13897 (remarks of Rep. Brademas); *id.* at 38552 (remarks of Rep. Sarasin).

There are, however, some language differences between this proposed rule and the Federal Government's section 504 regulations for federally assisted programs. These changes are based on the Supreme Court's decision in *Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979), and the subsequent circuit court decisions interpreting *Davis* and section 504. *See Dopico* v. Goldschmidt, 687 F.2d 644 (2d Cir. 1982); *American Public Transit Association* v. Lewis, 655 F.2d 1272 (D.C. Cir. 1981) (*APTA*); *see also Rhode Island Handicapped Action Committee* v. *Rhode Island Public Transit Authority*, 718 F.2d 490 (1st Cir. 1983).

These language differences are also supported by the decision of the Supreme Court in *Alexander* v. *Choate*, 469 U.S. 287 (1985), where the Court held that the regulations for federally assisted programs did not require a recipient to modify its durational limitation on Medicaid coverage of inpatient hospital care for handicapped persons. Clarifying its *Davis* decision, the Court explained that section 504 requires only "reasonable" modifications, *id.* at 300, and explicitly noted that "(the regulations implementing § 504 (for federally assisted programs) are consistent with the view that *reasonable* adjustments in the nature of the benefit offered must at times be made to assure meaningful access." *Id.* at 301 n.21 (emphasis added).

Incorporation of these changes, therefore, makes this regulation implementing section 504 for federally conducted programs consistent with the Federal Government's regulations implementing section 504 for federally assisted programs as they have been interpreted by the Supreme Court. Many of these federally assisted regulations were issued prior to the interpretations of section 504 by the Supreme Court in *Davis*, by lower courts interpreting *Davis*, and by the Supreme Court in *Alexander*; therefore their language does not reflect the interpretation of section 504 provided by the Supreme Court and by the various circuit courts. Of course, these federally assisted regulations must be interpreted to reflect the holdings of the Federal judiciary. Hence the agencies believe that there are no significant differences between this proposed rule for federally conducted programs and the Federal Government's interpretation of section 504 regulations for federally assisted programs.

This regulation has been reviewed by the Department of Justice. It is an adaptation of a prototype prepared by the Department of Justice under Executive Order 12250 (45 FR 72995, 3 CFR, 1980 Comp., p. 298) and distributed to Executive agencies. This regulation has also been reviewed by the Equal Opportunity Commission under Executive Order 12067 (43 FR 28967, 3 CFR, 1978 Comp., p. 206). It is not a major rule within the meaning of Executive Order 12291 (46 FR 13193, 3 CFR, 1981 Comp., p. 127) and, therefore, a regulatory impact analysis has not been prepared. This regulation does not have an impact on small entities. It is not, therefore, subject to the Regulatory Flexibility Act (5 U.S.C. 601–612).

Section-by-Section Analysis

Section 1214.101 Purpose

Section 1214.101 states the purpose of the proposed rule, which is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

Section 1214.102 Application

The proposed regulation applies to all programs or activities conducted by the agency. Under this section, a federally conducted program or activity is, in simple terms, anything a Federal agency does. Aside from employment, there are two major categories of federally conducted programs or activities covered by this regulation: those involving general public contact as part of ongoing agency operations and those directly administered by the agency for program beneficiaries and participants. Activities in the first category include communication with the public (telephone contacts, office walk-ins, or interviews) and the public's use of the agency's facilities. Activities in the second category include programs that provide Federal services or benefits. This regulation does not, however, apply to programs or activities conducted outside the United States that do not involve individuals with handicaps in the United States.

Section 1214.103 Definitions

Agency. For purposes of this regulation "agency" means ACTION.

Assistant Attorney General. Refers to the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

Auxiliary aids. "Auxiliary aids" means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of the agency's programs or activities. The definition provides examples of commonly used auxiliary aids. Although auxiliary aids are required explicitly only by § 1214.160(a)(1), they may also be necessary to meet other requirements of the regulation.

Complete complaint. "Complete complaint" is defined to include all the information necessary to enable the agency to investigate the complaint. The definition is necessary, because the 180-day period for the agency's investigation (see § 1214.179(g)) begins when the agency receives a complete complaint.

Facility. The definition of "facility" is similar to that in the section 504 coordination regulation for federally assisted programs, 28 CFR 41.3(f), except that the term "rolling stock or other conveyances" has been added and the phrase "or interest in such property" has been deleted because the term "facility," as used in this regulation, refers to structures and not to intangible property rights. It should, however, be noted that the regulation applies to all programs and activities conducted by the agency regardless of whether the facility in which they are conducted is owned, leased, or used on some other basis by the agency. The term "facility" is used in §§ 1214.149, 1214.150, and 1214.170(f).

Individual with handicaps. The definition of "individual with handicaps" is identical to the definition of "handicapped person" appearing in the section 504 coordination regulation for federally assisted programs (28 CFR 41.31). Although section 103(d) of the Rehabilitation Act Amendments of 1986 changed the statutory term "handicapped individual" to "individual with handicaps," the legislative history of this amendment indicates that no substantive change was intended. Thus, although the term has been changed in this regulation to be consistent with the

statute as amended, the definition is unchanged. In particular, although the term as revised refers to "handicaps" in the plural, it does not exclude persons who have only one handicap.

Qualified individual with handicaps. The definition of "qualified individual with handicaps" is a revised version of the definition of "qualified handicapped person" appearing in the section 504 coordination regulation for federally assisted programs (28 CFR 41.32).

Paragraph (1) is an adaptation of existing definitions of "qualified handicapped person" for purposes of federally assisted preschool, elementary, and secondary education programs (*see, e.g.*, 45 CFR 84.3(k) (2)). It provides that an individual with handicaps is qualified for preschool, elementary, or secondary education programs conducted by the agency, if he or she is a member of a class of persons otherwise entitled by statute, regulation, or agency policy to receive these services from the agency. In other words, an individual with handicaps is qualified, if, considering all factors other than the handicapping condition, he or she is entitled to receive education services from the agency.

Paragraph (2) deviates from existing regulations for federally assisted programs because of intervening court decisions. It defines "qualified individual with handicaps" with regard to any program other than those covered by paragraph (1) under which a person is required to perform services or to achieve a level of accomplishment. In such programs a qualified individual with handicaps is one who can achieve the purpose of the program without modifications in the program that the agency can demonstrate would result in a fundamental alteration in its nature. This definition reflects the decision of the Supreme Court in *Davis*. In that case, the Court ruled that a hearing-impaired applicant to a nursing school was not a "qualified handicapped person" because her hearing impairment would prevent her from participating in the clinical training portion of the program. The Court found that, if the program were modified so as to enable the respondent to participate (by exempting her from the clinical training requirements), "she would not receive even a rough equivalent of the training a nursing program normally gives". *Id.* at 410. It also found that "the purpose of [the] program was to train persons who could serve the nursing profession in all customary ways," *id.* at 413, and that the respondent would be unable, because of her hearing impairment, to perform some functions expected of a registered nurse. It therefore concluded that the school was not required by section 504 to make such modifications that would result in "a fundamental alteration in the nature of the program." *Id.* at 410.

We have incorporated the Court's language in the definition of "qualified individual with handicaps" in order to make clear that such a person must be able to participate in the program offered by the agency. The agency is required to make modifications in order to enable an applicant with handicaps to participate, but is not required to offer a program of a fundamentally different nature. The test is whether, with appropriate modifications, the applicant can achieve the purpose of the program offered; not whether the applicant could benefit or obtain results from some other program that the agency does not offer. Although the revised definition allows exclusion of some individuals with handicaps from some programs, it requires that an individual with handicaps who is capable of achieving the purpose of the program must be accommodated, provided that the modifications do not fundamentally alter the nature of the program.

The agency has the burden of demonstrating that a proposed modification would constitute a fundamental alteration in the nature of its program or activity. Furthermore, in demonstrating that a modification would result in such an alteration, the agency must follow the procedures established in §§ 1214.150(a) and 1214.160(d), which are discussed below, for demonstrating that an action would result in undue financial and administrative burdens. That is, the decision must be made by the agency head or his or her designee in writing after consideration of all resources available for the program or activity and must be accompanied by an explanation of the reasons for the decision. If the agency head determines that an action would result in a fundamental alteration, the agency must consider options that would enable the individual with handicaps to achieve the purpose of the program but would not result in such an alteration.

For programs or activities that do not fall under either of the first two paragraphs, paragraph (3) adopts the existing definition of "qualified handicapped person" with respect to services (28 CFR 41.32(b)) in the coordination regulation for programs receiving Federal financial assistance. Under this definition, a qualified individual with handicaps is an individual with handicaps who meets the essential eligibility requirements for participation in the program or activity.

Paragraph (4) explains that "qualified individual with handicaps" means "qualified handicapped person" as that term is defined for purposes of employment in the Equal Employment Opportunity Commission's regulation at 29 CFR 1613.702(f), which is made applicable to this part by § 1214.140. Nothing in this part changes existing regulations applicable to employment.

Section 504. This definition makes clear that, as used in this regulation, "section 504" applies only to programs or activities conducted by the agency and not to programs or activities to which it provides Federal financial assistance.

Section 1214.110 Self-evaluation

The agency shall conduct a self-evaluation of its compliance with section 504 within one year of the effective date of this regulation. The self-evaluation requirement is present in the existing section 504 coordination regulation for programs or activities receiving Federal financial assistance (28 CFR 41.5(b)(2)). Experience has demonstrated the self-evaluation process to be a valuable means of establishing a working relationship with individuals with handicaps that promotes both effective and efficient implementation of section 504.

Section 1214.111 Notice

Section 1214.111 requires the agency to disseminate sufficient information to employees, applicants, participants, beneficiaries, and other interested persons to apprise them of the rights and protections afforded by section 504 and this regulation. Methods of providing this information include, for example, the publication of information in handbooks, manuals, and pamphlets that are distributed to the public to describe the agency's programs and activities; the display of informative posters in service centers and other public places; and the broadcast of information by television or radio.

Section 1214.130 General Prohibitions Against Discrimination

Section 1214.130 is an adaptation of the corresponding section of the section 504 coordination regulation for programs or activities receiving Federal financial assistance (28 CFR 41.51).

Paragraph (a) restates the nondiscrimination mandate of section 504. The remaining paragraphs in § 1214.130 establish the general principles for analyzing whether any particular action of the agency violates this mandate. These principles serve as the analytical foundation for the

remaining sections of the regulation. if the agency violates a provision in any of the subsequent sections, it will also violate one of the general prohibitions found in § 1214.130. When there is no applicable subsequent provision, the general prohibitions stated in this section apply.

Paragraph (b) prohibits overt denials of equal treatment of individuals with handicaps. The agency may not refuse to provide an individual with handicaps with an equal opportunity to participate in or benefit from its program simply because the person is handicapped. Such blatantly exclusionary practices often result from the use of irrebuttable presumptions that absolutely exclude certain classes of disabled persons (*e.g.*, epileptics, hearing-imparied persons, persons with heart ailments) from participation in programs or activities without regard to an individual's actual ability to participate. Use of an irrebuttable presumption is permissible only when in all cases a physical condition by its very nature would prevent an individual from meeting the essential eligibility requirements for participation in the activity in question. It would be permissible, therefore, to exclude without an individual evaluation all persons who are blind in both eyes from eligibility for a license to operate a commercial vehicle in interstate commerce; but it may not be permissible to automatically disqualify all those who are blind in just one eye.

In addition, section 504, prohibits more than just the most obvious denials of equal treatment. It is not enough to admit persons in wheelchairs to a program in the facilities in which the program is conducted are inaccessible. Paragraph (b)(l)(iii), therefore, requires that the opportunity to participate or benefit afforded to an individual with handicaps be as effective as that afforded to others. The later sections on program accessibility (§§ 1214.149–1214.151) and communications (§ 1214.160) are specific applications of this principle.

Despite the mandate of paragraph (d) that the agency administer its programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps, paragraph (b)(1)(iv), in conjunction with paragraph (d), permits the agency to develop separate or different aids, benefits, or services when necessary to provide individuals with handicaps with an equal opportunity to participate in or benefit from the agency's programs or activities. Paragraph (b)(1)(iv) requires that different or separate aids, benefits, or services be provided only when necessary to ensure that the aids, benefits, or services are as effective as those provided to others. Even when separate or different aids, benefits, or services would be more effective, paragraph (b)(2) provides that a qualified individual with handicaps still has the right to choose to participate in the program that is not designed to accommodate individuals with handicaps.

Paragraph (b)(1)(v) prohibits the agency from denying a qualified individual with handicaps the opportunity to participate as a member of a planning of advisory board.

Paragraph (b)(1)(vi) prohibits the agency from limiting a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, or service.

Paragraph (b)(3) prohibits the agency from utilizing criteria or methods of administration that deny individuals with handicaps access to the agency's programs or activities. The phrase "criteria or methods of administration" refers to official written agency policies and to the actual practices of the agency. This paragraph prohibits both blatantly exclusionary policies or practices and nonessential policies and practices that are neutral on their face, but deny individuals with handicaps an effective opportunity to participate.

Paragraph (b)(4) specifically applies the prohibition enunciated in § 1214.130(b)(3) to the process of selecting sites for construction of new facilities or selecting existing facilities to be used by the agency. Paragraph (b)(4) does not apply to construction of additional buildings at an existing site.

Paragraph (b)(5) prohibits the agency, in the selection of procurement contractors, from using criteria that subject qualified individuals with handicaps to discrimination on the basis of handicap.

Paragraph (c) provides that programs conducted pursuant to Federal statute or Executive order that are designed to benefit only individuals with handicaps or a given class of individuals with handicaps may be limited to those individuals with handicaps.

Paragraph (d), discussed above, provides that the agency must administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps, *i.e.*, in a setting that enables individuals with handicaps to interact with nonhandicapped persons to the fullest extent possible.

Section 1214.140 Employment

Section 1214.140 prohibits discrimination on the basis of handicap in employment by the agency. Courts have held that section 504, as amended in 1978, covers the employment practices of Executive agencies. *Gardner* v. *Morris*, 752 F.2d 1271, 1277 (8th Cir. 1985); *Smith* v. *United States Postal Service*, 742 F.2d 257, 259–260 (6th Cir. 1984); *Prewitt* v. *United States Postal Service*, 662 F.2d 292, 302–04 (5th Cir. 1981). *Contra McGuiness* v. *United States Postal Service*, 744 F.2d 1318, 1320–21 (7th Cir. 1984); *Boyd* v. *United States Postal Service*, 752 F.2d 410, 413–14 (9th Cir. 1985).

Courts uniformly have held that, in order to give effect to section 501 of the Rehabilitation Act, which covers Federal employment, the administrative procedures of section 501 must be followed in processing complaints of employment discrimination under section 504. *Morgan* v. *United States Postal Service*, 798 F.2d 1162, 1164–65 (8th Cir. 1986); *Smith*, 742 F.2d at 262; *Prewitt*, 662 F.2d at 304. Accordingly, § 1214.140 (Employment) of this rule adopts the definitions, requirements, and procedures of section 501 as established in regulations of the Equal Employment Opportunity Commission (EEOC) at 29 CFR part 1613. Responsibility for coordinating enforcement of Federal laws prohibiting discrimination in employment is assigned to the EEOC by Executive Order 12067 (3 CFR, 1978 Comp., p. 206). Under this authority, the EEOC establishes government-wide standards on nondiscrimination in employment on the basis of handicap. In addition to this section, § 1214.170(b) specifies that the agency will use the existing EEOC procedures to resolve allegations of employment discrimination.

Section 1214.149 Program Accessibility: Discrimination Prohibited

Section 1214.149 states the general nondiscrimination principle underlying the program accessibility requirements of §§ 1214.150 and 1214.151.

Section 1214.150 Program Accessibility: Existing Facilities

This regulation adopts the program accessibility concept found in the existing section 504 coordination regulation for programs or activities receiving Federal financial assistance (28 CFR 41.57), with certain modifications. Thus, § 1214.150 requires that each agency program or activity, when viewed in its entirety, be readily accessible to and usable by individuals with handicaps. The regulation also

makes clear that the agency is not required to make each of its existing facilities accessible (§ 1214.150(a)(1)). However, § 1214.150, unlike 28 CFR 41.57, places explicit limits on the agency's obligation to ensure program accessibility (§ 1214.150(a)(2)).

Paragraph (a)(2) generally codifies recent case law that defines the scope of the agency's obligation to ensure program accessibility. This paragraph provides that, in meeting the program accessibility requirement, the agency is not required to take any action that would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. A similar limitation is provided in § 1214.160(d). This provision is based on the Supreme Court's holding in *Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979), that section 504 does not require program modifications that result in a fundamental alteration in the nature of a program, and on the Court's statement that section 504 does not require modifications that would result in "undue financial and administrative burdens". 442 U.S. at 412. Since *Davis*, circuit courts have applied this limitation on a showing that only one of the two "undue burdens" would be created as a result of the modification sought to be imposed under section 504. *See, e.g., Dopico* v. *Goldschmidt*, 687 F.2d 644 (2d Cir. 1982); *American Public Transit Association* v. *Lewis* (*APTA*), 655 F.2d 1272 (D.C. Cir. 1981).

Paragraphs (a)(2) and 1214.160(d) are also supported by the Supreme Court's decision in *Alexander* v. *Choate*, 469 U.S. 287 (1985). *Alexander* involved a challenge to the State of Tennessee's reduction of inpatient hospital care coverage under Medicaid from 20 to 14 days per year. Plaintiffs argued that this reduction violated section 504 because it had an adverse impact on handicapped persons. The Court assumed without deciding that section 504 reaches at least some conduct that has an unjustifiable disparate impact on handicapped people, but held that the reduction was not "the sort of disparate impact" discrimination that might be prohibited by section 504 or its implementing regulation. *Id.* at 299.

Relying on *Davis*, the Court said that section 504 guarantees qualified handicapped persons "meaningful access to the benefits that the grantee offers," *id.* at 301, and that "*reasonable adjustments* in the nature of the benefit being offered must at times be made to assure meaningful access." *Id.* at n.21 (emphasis added). However, section 504 does not require " 'changes,' 'adjustments,' or 'modifications' to existing programs that would be 'substantial' * * * or that would constitute 'fundamental alteration(s) in the nature of a program!" *Id.* at n.20 (citations omitted). *Alexander* supports the position, based on *Davis* and the earlier, lower court decisions, that in some situations, certain accommodations for a handicapped person may so alter an agency's program or activity, or entail such extensive costs and administrative burdens that the refusal to undertake the accommodations is not discriminatory. Thus failure to include such an "undue burdens" provision could lead to judicial invalidation of the regulation or reversal of a particular enforcement action taken pursuant to the regulation.

This paragraph, however, does not establish an absolute defense; it does not relieve the agency of all obligations to individuals with handicaps. Although the agency is not required to take actions that would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens, it nevertheless must take any other steps necessary to ensure that individuals with handicaps receive the benefits and services of the federally conducted program or activity.

It is our view that compliance with § 1214.150(a) would in most cases not result in undue financial and administrative burdens on the agency. In determining whether financial and administrative burdens are undue, all agency resources available for use in the funding and operation of the conducted program or activity should be considered. The burden of proving that compliance with § 1214.150(a) would fundamentally alter the nature of a program or activity or would result in undue financial and administrative burdens rests with the agency. The decision that compliance would result in such alteration or burdens must be made by the agency head or his or her designee and must be accompanied by a written statement of the reasons for that conclusion. Any person who believes that he or she or any specific class of persons has been injured by the agency head's decision or failure to make a decision may file a complaint under the compliance procedures established in § 1214.170.

Paragraph (b) sets forth a number of means by which program accessibility may be achieved, including redesign of equipment, reassignment of services to accessible buildings, and provision of aides. In choosing among methods, the agency shall give priority consideration to those that will be consistent with provision of services in the most integrated setting appropriate to the needs of individuals with handicaps. Structural changes in existing facilities are required only when there is no other feasible way to make the agency's program accessible. It should be noted that "structural changes" include all physical changes to a facility; the term does not refer only to changes to structural features, such as removal of or alterations to a load-bearing structural member. The agency may comply with the program accessibility requirement by delivering services at alternate accessible sites or making home visits as appropriate.

Paragraphs (c) and (d) establish time periods for complying with the program accessibility requirement. As currently required for federally assisted programs by 28 CFR 41.57(b), the agency must make any necessary structural changes in facilities as soon as practicable, but in no event later than three years after the effective date of this regulation. Where structural modifications are required, a transition plan shall be developed within six months of the effective date of this regulation. Aside from structural changes, all other necessary steps to achieve compliance should be taken within sixty days.

Section 1214.151 Program Accessibility: New Construction and Alterations

Overlapping coverage exists with respect to new construction and alterations under section 504 and the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157). Section 1214.151 provides that those buildings that are constructed or altered by, on behalf of, or for the use of, the agency shall be designed, constructed, or altered to be readily accessible to and usable by individuals with handicaps in accordance with 41 CFR 101–19.600 to 101–19.607. This standard was promulgated pursuant to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157). We believe that it is appropriate to adopt the existing Architectural Barriers Act standard for section 504 compliance here because new and altered buildings subject to this regulation are also subject to the Architectural Barriers Act and because adoption of this standard will avoid duplicative and possibly inconsistent standards.

Existing buildings leased by the agency after the effective date of this regulation are not required by the regulation to meet accessibility

standards simply by virtue of being leased. They are subject, however, to the program accessibility standard for existing facilities in § 1214.150. To the extent the buildings are newly constructed or altered, they must also meet the new construction and alteration requirements of § 1214.151.

Federal practice under section 504 has always treated newly leased buildings as subject to the existing facilities program accessibility standard. Unlike the construction of new buildings where architectural barriers can be avoided at little or no cost, the application of new construction standards to an existing building being leased raises the same prospect of retrofitting buildings as the use of an existing Federal facility, and the agency believes the same program accessibility standard should apply to both owned and leased existing buildings.

In *Rose* v. *United States Postal Service*, 774 F.2d 1355 (9th Cir. 1985), the Ninth Circuit held that the Architectural Barriers Act requires accessibility at the time of lease. The *Rose* court did not address the issue of whether section 504 likewise requires accessibility as a condition of lease, and the case was remanded to the District Court for, among other things, consideration of that issue. The agency may provide more specific guidance on section 504 requirements for leased buildings after the litigation is completed.

Section 1214.160 Communications

Section 1214.160 requires the agency to take appropriate steps to ensure effective communication with personnel of other Federal entities, applicants, participants, and members of the public. These steps shall include procedures for determining when auxiliary aids are necessary under § 1214.160(a)(1) to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, the agency's program or activity. They shall also include an opportunity for individuals with handicaps to request the auxiliary aids of their choice. This expressed choice shall be given primary consideration by the agency (§ 1214.160(a)(1)(i)). The agency shall honor the choice unless it can demonstrate that another effective means of communication exists or that use of the means chosen would not be required under § 1214.160(d). That paragraph limits the obligation of the agency to ensure effective communication in accordance with *Davis* and the circuit court opinions interpreting it (*see supra* premable discussion of § 1214.160(a)(2)). Unless not required by § 1214.160(d), the agency shall provide auxiliary aids at no cost to the individual with handicaps.

The discussion of § 1214.150(a), Program accessibility: Existing facilities, regarding the determination of undue financial and administrative burdens also applies to this section and should be referred to for a complete understanding of the agency's obligation to comply with § 1214.160.

In some circumstances, a notepad and written materials may be sufficient to permit effective communication with a person with impaired hearing. In many circumstances, however, they may not be, particularly when the information being communicated is complex or exchanged for a lengthy period of time (*e.g.*, a meeting) or where the applicant or participant is not skilled in spoken or written language. In these cases, a sign language interpreter may be appropriate. For persons with impaired vision, effective communication might be achieved by several means, including readers and audio recordings. In general, the agency intends to inform the public of (1) the communications services it offers to afford individuals with handicaps an equal opportunity to participate in or benefit from its programs or activities, (2) the opportunity to request a particular mode of communication, and (3) the agency's preferences regarding auxiliary aids if it can demonstrate that several different modes are effective.

The agency shall ensure effective communication with persons with impaired vision or hearing involved in hearings conducted by the agency. Auxiliary aids must be afforded where necessary to ensure effective communication at the proceedings. If sign language interpreters are necessary, the agency may require that it be given reasonable notice prior to the proceeding of the need for an interpreter. Moreover, the agency need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature (§ 1214.160(a)(1)(ii)). For example, the agency need not provide eye glasses or hearing aids to applicants or participants in its programs. Similarly, the regulation does not require the agency to provide wheelchairs to persons with mobility impairments.

Paragraph (b) requires the agency to provide information to individuals with handicaps concerning accessible services, activities, and facilities. Paragraph (c) requires the agency to provide a sign at inaccessible facilities that directs users to locations with information about accessible facilities.

Section 1214.170 Compliance Procedures

Paragraph (a) specifies that paragraphs (c) through (1) of this section establish the procedures for processing complaints other than employment complaints. Paragraph (b) provides that the agency will process employment complaints, in accordance with procedures established in existing regulations of the EEOC (29 CFR Part 1613) pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

The agency is required to accept and investigate all complete complaints for which it has jurisdiction (§ 1214.170(d)). If it determines that it does not have jurisdiction over a complaint, it shall promptly notify the complainant and make reasonable efforts to facilitate the referral of the complaint to any appropriate entity of the Federal government (§ 1214.170(e)).

Paragraph (f) requires the agency to notify the Architectural and Transportation Barriers Compliance Board upon receipt of a complaint alleging that a building or facility subject to the Architectural Barriers Act was designed, constructed, or altered in a manner that does not provide ready access to and use by individuals with handicaps.

Paragraph (g) requires the agency to provide to the complainant, in writing, findings of fact and conclusions of law, the relief granted if noncompliance is found, and notice of the right to appeal (§ 1214.170(g)). One appeal within the agency shall be provided (§ 1214.170(i)). The appeal will not be heard by the same person who made the initial determination of compliance or noncompliance.

Paragraph (1) permits the agency to delegate its authority for investigating complaints to other Federal agencies. However, the statutory obligation of the agency to make a final determination of compliance or noncompliance may not be delegated.

List of Subjects in 45 CFR Part 1214

Blind, Buildings, Civil rights, Equal educational opportunity, Equal employment opportunity, Federal buildings and facilities, Government employees, Handicapped.

For the reasons set forth in the preamble, Chapter 45 of the Code of Federal Regulations is proposed to be amended as follows:

Part 1214 is added to read as follows:

PART 1214—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY ACTION

Authority: 29 U.S.C. 794; 42 U.S.C. 5057.

§ 1214.101 Purpose.

The purpose of this part is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 1214.102 Application.

This part applies to all programs or activities conducted by the agency, except for programs or activities conducted outside the United States that do not involve individuals with handicaps in the United States.

§ 1214.103 Definitions.

For purposes of this part, the term—

Agency means ACTION.

Assistant Attorney General means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

Auxiliary aids means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the agency. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TDD's), interpreters, notetakers, written materials, and other similar services and devices.

Complete complaint means a written statement that contains the complainant's name and address and describes the agency's alleged discriminatory action in sufficient detail to inform the agency of the nautre and date of the alleged violation of section 504. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

Facility means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property.

Individuals with handicaps means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

As used in this definition, the phrase:

(1) *Physical or mental impairment* includes—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.

(2) *Major life activities* includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) *Has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) *Is regarded as having an impairment* means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the agency as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in subparagraph (1) of this definition but is treated by the agency as having such an impairment.

Qualified individual with handicaps means—

(1) With respect to preschool, elementary, or secondary education services provided by the agency, an individual with handicaps who is a member of a class of persons otherwise entitled by statute, regulation, or agency policy to receive educational services from the agency;

(2) With respect to any other agency program or activity under which a person is required to perform services or to achieve a level of accomplishment, an individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the agency can demonstrate would result in a fundamental alteration in its nature;

(3) With respect to any other program or activity, an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity; and

(4) *Qualified handicapped person* as that term is defined for purposes of employment in 29 CFR 1613.702(f), which is made applicable to this part by § 1214.140.

Section 504 means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794)), as amended by the Rehabilitation Act Amendments of 1974 (Pub. L. 93–516, 88 Stat. 1617); the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95–602, 92 Stat. 2955); the Rehabilitation Act Amendments of 1986 (Pub. L. 99–506, 100 Stat. 1810), and the Civil Rights Restoration Act of 1987 (Pub. L. 100–259, 102 Stat. 28). As used in this part, section 504 applies only to programs or activities conducted by Executive agencies and not to federally assisted programs.

§§ 1214.104–1214.109 [Reserved]

§ 1214.110 Self-evaluation.

(a) The agency shall, within one year of the effective date of this part, evaluate its current policies and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such policies and practices is required, the agency shall proceed to make the necessary modifications.

(b) The agency shall provide an opportunity to interested persons, including individuals with handicaps or organizations representing individuals with handicaps, to participate in the self-evaluation process by submitting comments (both oral and written).

(c) The agency shall, for at least three years following completion of the self-evaluation, required under paragraph (a) of this section, maintain on file and make available for public inspection—

(1) A description of areas examined and any problems identified; and

(2) A description of any modifications made.

§ 1214.111 Notice.

The agency shall make available to employees, applicants, participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the programs or activities conducted by the agency, and make such information available to them in such manner as the head of the agency finds necessary to apprise such persons of the protections against discrimination assured them by section 504 and this part.

§§ 1214.112–1214.129 [Reserved]

§ 1214.130 General prohibitions against discrimination.

(a) No qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

(b)(1) The agency, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap—

(i) Deny a qualified individual with handicaps the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with handicaps an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with handicaps with aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to individuals with handicaps or to any class of individuals with handicaps than is provided to others unless such action is necessary to provide qualified individuals with handicaps with aid, benefits, or services that are as effective as those provided to others;

(v) Deny a qualified individual with handicaps the opportunity to participate as a member of planning or advisory boards; or

(vi) Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) The agency may not deny a qualified individual with handicaps the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) The agency may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would be to—

(i) Subject qualified individuals with handicaps to discrimination on the basis of handicap; or

(ii) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(4) The agency may not, in determining the site or location of a facility, make selections the purpose or effect of which would—

(i) Exclude individuals with handicaps from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the agency; or

(ii) Defeat or substantially impair the accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(5) The agency, in the selection of procurement contractors, may not use criteria that subject qualified individuals with handicaps to discrimination on the basis of handicap.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive order to individuals with handicaps or the exclusion of a specific class of individuals with handicaps from a program limited by Federal statute or Executive order to a different class of individuals with handicaps is not prohibited by this part.

(d) The agency shall administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps.

§§ 1214.131–1214.139 [Reserved]

§ 1214.140 Employment.

No qualified individual with handicaps shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the agency. The definitions, requirements, and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities.

§§ 1214.141–1214.148 [Reserved]

§ 1214.149 Program accessibility: Discrimination prohibited.

Except as otherwise provided in § 1214.150, no qualified individual with handicaps shall, because the agency's facilities are inaccessible to or unusable by individuals with handicaps, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

§ 1214.150 Program accessibility: Existing facilities.

(a) *General.* The agency shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handicaps. This paragraph does not—

(1) Necessarily require the agency to make each of its existing facilities accessible to and usable by individuals with handicaps; or

(2) Require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with § 1214.150(a) would result in such a alteration or burdens. The decision that compliance would result in such

alteration or burdens must be made by the agency head or his or her designee after considering all agency resources available for use in the funding and operation of the conducted program or activity and must be accompanied by a written statement of the reasons for that conclusion. If an action would result in such an alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with handicaps receive the benefits and services of the program or activity.

(b) *Methods.* The agency may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock, or any other methods that result in making its programs or activities readily accessible to and usable by individuals with handicaps. The agency is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The agency, in making alterations to existing buildings, shall meet accessibility requiremetns to the extent compelled by the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), and any regulations implementing it. In choosing among available methods for meeting the requirements of this section, the agency shall give priority to those methods that offer programs and activities to qualified individuals with handicaps in the most integrated setting appropriate.

(c) *Time period for compliance.* The agency shall comply with the obligations established under this section within sixty days of the effective date of this part except that where structural changes in facilities are undertaken, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(d) *Transition plan.* In the event that structural changes to facilities will be undertaken to achieve program accessibility, the agency shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The agency shall provide an opportunity to interested persons, including individuals with handicaps or organizations representing individuals with handicaps, to participate in the development of the transition plan by submitting comments (both oral and written). A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum—

(1) Identify physical obstacles in the agency's facilities that limit the accessibility of its programs or activities to individuals with handicaps;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the agency official responsible for implementation of the plan.

§ 1214.151 Program accessibility: New construction and alterations.

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the agency shall be designed, constructed, or altered so as to be readily accessible to and usable by individuals with handicaps. The definitions, requirements, and standards of the Architectural Barriers Act (42 U.S.C. 4151–4157), as established in 41 CFR 101–19.600 to 101–19.607, apply to buildings covered by this section.

§§ 1214.151–1214.159 [Reserved]

§ 1214.160 Communications.

(a) The agency shall take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public.

(1) The agency shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the agency.

(i) In determining what type of auxiliary aid will be provided, the agency shall give primary consideration to the requests of the individual with handicaps.

(ii) The agency need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature.

(2) Where the agency communicates with applicants and beneficiaries by telephone, telecommunication devices for deaf persons (TDD's) or equally effective telecommunication systems shall be used to communicate with persons with impaired hearing.

(b) The agency shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(c) The agency shall provide a sign at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be displayed at each primary entrance to each accessible facility.

(d) This section does not require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with § 1214.160 would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head or his or her designee after considering all agency resources available for use in the funding and operation of the conducted program or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with handicaps receive the benefits and services of the program or activity.

§§ 1214.161–1214.169 [Reserved]

§ 1214.170 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs and activities conducted by the agency.

(b) The agency shall process compliants alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) Responsibility for implementation and operation of this section shall be

vested in the Director, Equal Opportunity Staff.

(d) The agency shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The agency may extend this time period for good cause.

(e) If the agency receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to facilitate the referral of the complaint to any appropriate entity of the Federal government.

(f) The agency shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), is not readily accessible to and usable by individuals with handicaps.

(g) Within 180 days of the receipt of a complete complaint for which it has jurisdiction, the agency shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the agency of the letter required by § 1214.170(g). The agency may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the Director, Equal Opportunity Staff.

(j) The head of the agency shall notify the complainant of its determination on the appeal within 60 days of receipt of the request. If the head of the agency determines that additional information is needed from the complainant, he or she shall have 60 days from the date of receipt of the additional information to make his or her determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended with the permission of the Assistant Attorney General.

(l) The agency may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated to another agency.

§§ 1214.171–1214.999 [Reserved]

Jane A. Kenny,

Acting Director.

[FR Doc. 89–21935 Filed 9–15–89; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 170, 171, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, and 185

[CGD 85–080]

RIN 2115–AC22

Small Passenger Vessel Inspection and Certification

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule; notice of intent to publish a supplementary notice of proposed rulemaking.

SUMMARY: On January 30, 1989, the Coast Guard published in the **Federal Register** (54 FR 4412) a notice of proposed rulemaking to revise the regulations governing small passenger vessels (title 46, Code of Federal Regulations, subchapter T). The Coast Guard is currently reviewing the numerous comments received both in writing and at six public hearings on the proposed rulemaking. An initial review of the comments and an analysis of the proposed rules and the draft evaluation indicate that some substantive changes to the proposal may be necessary before final rules are issued. Therefore the Coast Guard will issue a Supplementary Notice of Proposed Rulemaking to revise the regulations governing small passenger vessels.

FOR FURTHER INFORMATION CONTACT: LCDR William P. Cummins, Project Manager, Office of Merchant Marine Safety, Security, and Environmental Protection (G–MVI), phone (202) 267–1181.

SUPPLEMENTARY INFORMATION: Subchapter T contains the regulations for the inspection and certification of small passenger vessels including requirements for construction, outfitting of lifesaving and fire protection equipment, machinery and electrical installations, and operations. The term "small passenger vessel" generally includes any vessel of less than 100 gross tons carrying more than six passengers. As part of the proposal to revise Subchapter T, the Coast Guard also proposed to revise portions of 46 CFR subchapter S, Subdivision and Stability, which affect small passenger vessels.

The Notice of Proposed Rulemaking to revise Subchapter T and Subchapter S, which was published on January 30, 1989 (54 FR 4412), invited and encouraged interested persons to participate in this proposed rulemaking by submitting written comments, including views, data, or arguments, on the proposal by May 31, 1989. By a notice published in the Federal Register on April 26, 1989 (54 FR 17997), the Coast Guard extended the deadline for receipt of comments to July 31, 1989, and announced the date and location of six public hearings on the proposed rulemaking.

Numerous speakers presented their views at the six public hearings held on the proposal and over 250 written comment letters have been submitted to the Coast Guard providing both support and criticism of the various changes which were proposed in the Notice of Proposed Rulemaking. The Coast Guard has also received numerous requests for a complete withdrawal of the proposed revision. The substantial grounds for initiating the revision of Subchapter T, such as statutory requirements and changes in industry practices, preclude a complete withdrawal of the rulemaking project. However, an initial analysis of the comments, the proposed rules, and the draft evaluation do indicate that changes are necessary. Because some sections of the proposal may be substantively changed, the Coast Guard intends to issue a Supplementary Notice of Proposed Rulemaking to revise the regulations governing small passenger vessels.

Signed: September 12, 1989.

J. D. Sipes,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89–21921 Filed 9–15–89; 8:45 am]

BILLING CODE 491–014–M

Notices

Federal Register
Vol. 54, No. 179
Monday, September 18, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committees on Administration and Adjudication; Public Meetings and Proposed Recommendation

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a meeting of the Committee on Administration of the Administrative Conference of the United States. The Committee has scheduled this meeting to discuss: (1) A new project on Federal agencies' use of ombudsmen, by consultants David Anderson and Diane Stockton, and (2) a draft report and recommendations by Frank Bloch on medical decisionmakers' roles in disability determinations in the Social Security and other Federal programs.

DATE: The Committee will meet September 27, 1989, 2:00 p.m.

LOCATION: Administrative Conference Library, 2120 L Street, NW., Suite 500.

PUBLIC PARTICIPATION: Committee meetings are open to the interested public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days prior to the meeting. The committee chairman may permit members of the public to present oral statements at the meetings. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

FOR FURTHER INFORMATION CONTACT: Charles Pou, Jr., Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500 (202) 254–7020.

SUMMARY: The Committee on Adjudication of the Administrative Conference of the United States has under consideration a draft recommendation on the reviewability of visa denials by consular officials. The Committee has scheduled a meeting to discuss the proposed recommendation, whose text is printed below. Interested persons are invited to comment on the proposal and/or attend the meeting.

DATE: The Committee will meet October 13, 1989, 2:00 p.m.

LOCATION: Administrative Conference Library, 2120 L Street, NW., Suite 500.

Public Participation: Same as above.

FOR FURTHER INFORMATION CONTACT: Nancy G. Miller, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500 (202) 254–7020. Comments may also be submitted to this address.

SUPPLEMENTARY INFORMATION: The Committee on Adjudication of the Administrative Conference has under consideration a draft recommendation on the reviewability of visa denials by consular officials. The proposed recommendation is based in part on a draft report by Professor James A.R. Nafziger of Willamette University College of Law. Copies of Professor Nafziger's report are available from the Office of the Chairman of the Administrative Conference. The text of the draft recommendation is printed in full below.

The Conference's Committee on Adjudication will meet on Friday, October 13, 1989 for further consideration of the draft recommendation in the light of any comments that may be received. The meeting will take place at 2:00 p.m. at the Administrative Conference, 2120 L Street, NW., Suite 500, Washington, DC. At that time, the committee will decide whether to approve a draft recommendation for consideration by the Administrative Conference at its Plenary Session scheduled for December 14 and 15, 1989. Comments should be sent to the address given above.

This notice of a committee meeting is given pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463). Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the pubic to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

Proposed Recommendation: Processing and Review of Visa Denials

Introduction

United States consulates around the world complete the processing of some nine million applications for immigrant and nonimmigrant visas each year. Approximately ninety percent are granted; ten percent are denied. Under current practice, the only review of a consular official's denial of a visa may be by a more senior officer in the consulate, or on points of law, by the Visa Office in the State Department. The Immigration and Nationality Act has been read to preclude administrative review, and the courts, with a few exceptions, have declined to review visa denials.

Immigrant visas are available to persons with close family relationships to U.S. citizens and residents, or with particular abilities or skills that are needed but not otherwise available in the United States. Nonimmigrant visas are available in a long list of classes, ranging from tourists to students to certain types of business personnel to diplomats.

Whatever the visa category or class, there clearly are important interests at stake. These interests are not just those of the applicants themselves, but also of citizens and residents of the United States who are sponsoring the applicant or have some other interest in the applicant's presence in the United States. These interests warrant a close look at the need for fair and efficient review of initial decisions in this important program of mass adjudication.

Federal law and State Department regulations give consular officers substantial discretion in adjudicating visa applications. For example, consular officials exercise absolute discretion in determining whether an applicant may be represented by an attorney or other qualified representative at the visa adjudication interview. Furthermore, although current Department regulations, at 22 CFR 41.121(c), require that a denial of a visa application be reviewed by a more senior officer, the high volume of applications at some posts has resulted in only a random sample of denials being reviewed.

Review by a senior official may also be a problem in single-officer posts.

Consular posts send a few hundred cases a year presenting significant legal issues to the Visa Office of the State Department for an advisory opinion that is binding only with respect to legal issues. The applicant typically has no notice of this proceeding. Such review affects the results in only a small number of cases, since most visa denials are based on a factual determination.

Current law has been interpreted to limit both administrative and judicial review. Section 104(a) of the INA, 8 U.S.C. 1104(a), precludes the Secretary of State from the administration or enforcement of "those powers, duties and functions conferred upon the consular officers relating to the granting or refusal of visas." This has been read to preclude the establishment of a more formal review mechanism within the State Department. Further, a number of judicial doctrines of varying current legitimacy have served quite consistently to limit the extent of available judicial review.

The Conference believes that it is important that there be at least some level of review of consular discretion to deny or grant visas. The availability of such review not only encourages consistency and care in the initial adjudication, but serves interests of fairness and legitimacy. On the other hand, a review scheme in this area can be crafted in a fashion that keeps procedure to a minimum and takes account of the extremely high volume of visa applications.

Recommendation

1. The State Department should adopt a regulation ensuring that applicants may be accompanied by an attorney or other authorized representative during the course of the visa application interview process. To the extent practicable, the State Department should take steps to reply promptly to communications from applicants or authorized representatives, and to ensure that facilities are available to enable applicants to meet with their representatives during the application interview process.

2. The State Department should require consular officers to provide explicit written statements of the factual and legal bases and reasons for denying a visa application.

3. The State Department should modify its regulations to allow Visa Office advisory opinions to be made available to applicants and their authorized representatives except where national security or foreign policy reasons dictate otherwise.

4. The State Department should either comply with its regulation found at 22 CFR 41.121(c) requiring review within a consulate of each denial of a visa application, or examine alternative systems to review visa denials at consular posts. In such a study, the State Department should keep in mind the goal of ensuring consistency in visa adjudications, and consider possible alternatives to address exigencies created by busy consular posts, for example, by reviewing random samples of visa denials, or selecting for review certain types of denials, such as in visa classes reflecting comparatively high rates of denials.

5. An administrative review process should be available for denials of immigrant visas and certain types of nonimmigrant visas to be designated by the State Department. The review process should require a written petition for review; provide for discretionary review of such petitions; and, where a petition is granted, provide for an expedited review on the paper record with some opportunity to seek leave to present additional written submissions. Congress should delete the language in section 104 of the Immigration and Nationality Act that seemingly precludes the State Department from establishing an administrative entity to review consular visa denials. Upon deletion of the apparent prohibition, the State Department (or Congress) should study the feasibility of creating a suitable administrative entity within the Department to review consular visa denials. Such an administrative entity might be within an expanded Visa Office, or an independent Visa Review Board.

6. Congress should determine whether there is a need to authorize judicial review limited to denials of certain types of visas. If such a need is determined to exist, Congress should consider the following guidelines:

a. Review should be available only for questions of law (including abuse of discretion).

b. Following exhaustion of any administrative remedies, review should be in federal district court.

c. Standing should be provided for applicants and for petitioners on behalf of applicants.

Dated: September 8, 1989.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 89-21880 Filed 9-15-89; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

The Department of Commerce has submitted a request for review request to OMB for clearance of the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Commerce Department

Title: Women-Owned Business Sources Clause

Form Number: OMB 0605-0019

Type of Request: Extension of a currently approved collection of information

Burden: 45 respondents; 540 reporting hours

Average Hours per Response: 12 hours

Needs and Uses: Contract clause to encourage the use of women-owned businesses as subcontractors under DOC contracts. The clause is required when the Federal Acquisition Regulation requires a successor offeror to prepare a small business and small disadvantaged businesses subcontracting plan. The DOC clause requires that goals for women-owned businesses be included in the subcontracting plan. Small businesses are excluded from this requirement

Affected Public: Businesses or other for profit, non-profit institutions, and small businesses or organizations

Frequency: On occasion

Respondent's Obligation: Required to obtain a benefit

OMB Desk Officer: Donald Arbuckle, 395-7340.

The interview questions are printed below. A copy of the complete clearance package can be obtained by calling or writing the DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, 14th and Constitution Avenue, Washington, DC 20230.

Written comments and recommendations for the information collection should be sent to Donald Arbuckle, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: September 12, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-21937 Filed 9-15-89; 8:45 am]

BILLING CODE 3510-CW-M

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of Export Administration
Title: Request For Amendment Action
Form Number: Form BXA–685P, OMB—0694–0007
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 8,394 respondents, 2,239 reporting/recordkeeping hours. Approximate time per response is 15 minutes
Needs and Uses: This collection is required to allow U.S. exporters of controlled goods to amend their outstanding export licenses. The amendment, if approved by BXA, allows the exporter to make the changes in lieu of applying for a new license
Affected Public: Businesses or other for-profit institutions; small businesses or organizations
Frequency: On occasion and recordkeeping
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Donald Arbuckle, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room 6622, 14th and Constitution Ave., NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Donald Arbuckle, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: September 11, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89–21939 Filed 9–15–89; 8:45 am]

BILLING CODE 3510-CW-M

Bureau of Export Administration

Automated Manufacturing Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Automated Manufacturing Equipment Technical Advisory Committee will be held October 13, 1989, 9:30 a.m., in the Herbert C. Hoover Building, Room 1617F, 14th Street & Consitution Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to automated manufacturing equipment and related technology.

Agenda

General Session

1. Discussion of upcoming Technical Advisory Committee Chairman's Meeting
2. Discussion of 1990 Work Plan
3. Discussion on assignment of new Commodity Control List Numbers
4. Introduction of new members
5. Discussion of the following Commodity Control List Numbers:
   - ECCN 1091A (Numerical control equipment)
   - ECCN 1532A (Measuring equipment, precision linear/angular)
   - ECCN 1399A (Software & technology for auto-controlled industrial systems)
   - ECCN 1566A (Software & technology)

Executive Session

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation material two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, Room 4069A, U.S. Department of Commerce, 14th and Pennsylvania Avenue NW, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisons relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records, Inspection Facility, Room 6620, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter at 202/377–2583.

Dated: September 11, 1989.

Betty Anne Ferrell,

Director, Technical Advisory Committee Unit Office of technology and Policy Analysis.

[FR Doc. 89–21938 Filed 9–15–89; 8:45 am]

BILLING CODE 3510-DT-M

Foreign-Trade Zones Board

[Order No. 440]

Resolution and Order Approving the Application of the Greater Kansas City Foreign-Trade Zone, Inc., for a Special-Purpose Subzone at the Mobay Agricultural Chemical Plant, Kansas City, MO; Proceedings of the Foreign-Trade Zones Board, Washington, DC

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Greater Kansas City Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 15, filed with the Foreign-Trade Zones Board (the Board) on October 4, 1988, requesting special-purpose subzone status for the pesticide manufacturing plant of Mobay Corporation in Kansas City, Missouri, within the Kansas City Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish a Foreign-Trade Subzone at the Mobay Corporation Agricultural Chemical Manufacturing Plant in Kansas City, MO

Whereas, by an act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation,

and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Greater Kansas City Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 15, has made application (filed October 4, 1988, FTZ Docket 32–88, 53 FR 40483), in due and proper form to the Board for authority to establish a special-purpose subzone at the agricultural chemical manufacturing plant of Mobay Corporation in Kansas City, Missouri;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, therefore, in accordance with the application filed October 4, 1988, the Board hereby authorizes the establishment of a subzone at the Mobay plant in Kansas City, Missouri, designated on the records of the Board as Foreign-Trade Subzone No. 15D at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and regulations, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, DC, this 11th day of September 1989, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Eric I. Garfinkel,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 21942 Filed 9–15–89; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 439]

Resolution and Order Approving the Application of the Greater Kansas City Foreign-Trade Zone, Inc., for a Special-Purpose Subzone at the Ortech Plant in Kirksville, MO; Proceedings of the Foreign-Trade Zones Board, Washington, DC

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Greater Kansas City Foreign-Trade Zone, Inc., grantee of FTZ 15, filed with the Foreign-Trade Zones Board (the Board) on October 26, 1988, requesting special-purpose subzone status at the auto components manufacturing plant of Ortech Company located in Kirksville, Missouri, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations would be satisfied, and that the proposal would be in the public interest if approval were given subject to a condition calling for monitoring to ensure that the applicant proceeds with plans stated in the application as to domestic sourcing, approves the application subject to the foregoing condition.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish a Foreign-Trade Subzone at the Ortech Plant in Kirksville, MO

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Greater Kansas City Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone No. 15, has made application (filed October 26, 1988, FTZ Docket 35–88, 53 FR 45137) in due and proper form to the Board for authority to establish a special-purpose subzone at the motor vehicle components manufacturing plant of Ortech Company located in Kirksville, Missouri;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations would be satisfied provided approval is given subject to the condition in the resolution accompanying this action;

Now, therefore, in accordance with the application filed October 26, 1988, the Board hereby authorizes the establishment of a subzone at the motor vehicle components manufacturing plant of Ortech in Kirksville, Missouri, designated on the records of the Board as Foreign-Trade Subzone No. 15C, at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act, the Board's Regulations, and the resolution accompanying this action, and to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State,

and municipal authorities. Should the high level of domestic sourcing stated in the application not occur, the Board could, upon public interest review, restrict or prohibit further activity under subzone procedures.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, DC, this 11th day of September 1989, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Eric I. Garfinkel,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 89-21943 Filed 9-15-89; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 441]

Resolution and Order Approving the Application of the Port Authority of New York and New Jersey for a Special-Purpose Subzone at the Squibb Pharmaceutical Plant in New Brunswick, NJ; Proceedings of the Foreign-Trade Zones Board, Washington, DC

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Port Authority of New York and New Jersey, grantee of Foreign-Trade Zone 49, filed with the Foreign-Trade Zones Board (the Board) on November 28, 1988, requesting special-purpose subzone status for the pharmaceutical manufacturing plant of E. R. Squibb & Sons, Inc., in New Brunswick, New Jersey, adjacent to the New York Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish a Foreign-Trade Subzone at the Squibb Pharmaceutical Plant in New Brunswick, NJ

Whereas, by an act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u)(the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Port Authority of New York and New Jersey, grantee of Foreign-Trade Zone 49, has made application (filed November 28, 1988, FTZ Docket 38–88, 53 FR 50045), in due and proper form to the Board for authority to establish a special-purpose subzone at the pharmaceutical manufacturing plant of E. R. Squibb & Sons, Inc., in New Brunswick, New Jersey;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, therefore, in accordance with the application filed November 28, 1988, the Board hereby authorizes the establishment of a subzone at the Squibb plant in New Brunswick, New Jersey, designated on the records of the Board as Foreign-Trade Subzone No. 49C at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provsions and restrictions of the Act and regulations, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, state, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is futher subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, DC, this 11th day of September, 1989, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Eric I. Garfinkel,

Assistant Secretary of Commerce for Import Administration Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 21944 Filed 9-15-89; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Short-Supply Determination on Certain Aluminum-Clad Steel Wire

AGENCY: Import Adminisatration/ International Trade Administration, Commerce.

SUMMARY: The Department of Commerce has determined that 400 metric tons of certain aluminum-clad steel wire is in short supply in the U.S. market during August–September 1989.

EFFECTIVE DATE: September 6, 1989.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230, (202) 377–0159.

SUPPLEMENTARY INFORMATION:

Case History

On July 28, 1989, the Department received a complete short-supply request from Copperweld Corporation (Copperweld) for 400 metric tons (200 metric tons per month for August and September) of certain high carbon, cold-drawn, aluminum-clad steel wire conforming to ASTM specification B 415, in diameters ranging from 0.0654 to 0.3120 inch. This request was made under Paragraph 8 of the U.S.-Japan steel trade arrangement. Copperweld requested short supply because this aluminum-clad wire required by its customers is not produced domestically, and the demand for this very specific product has increased to the extent that its Japanese supplier is unable to obtain regular export licenses to ship this material.

Action

The Department established a public file on this short-supply request (Case Number 180) on August 4, 1989 in the Central Records Unit, Room B–099, Import Administration, U.S. Department of Commerce at the above address. On August 10, 1989, the Department published a notice in the **Federal Register** announcing its review of this request, with the closing date for comments August 21, 1989. We received no comments to the **Federal Register** notice. The Department also contacted the American Wire Producers Association (AWPA), the representative trade association for the majority of domestic wire producers with detailed knowledge of the production capabilities of U.S. wire producers, to determine if there were potential domestic suppliers of this material. The AWPA informed the Department that the only possible domestic supplier is Copperweld Southern, a division of Copperweld Corporation. The Department contacted Copperweld Southern and learned that it has limitations on the quantity and sizes of aluminum-clad wire it can supply, and has no available capacity through September 1989. Based on this information, questionnaires were not sent out in this review.

Conclusion

Based on the unavailability of this product from the sole domestic source and the inability of Copperweld's Japanese supplier to obtain sufficient regular export licenses to ship this material, the Department has determined that short supply exists for 400 metric tons of the subject aluminum-clad steel wire during August–September 1989.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 89–21946 Filed 9–15–89; 8:45 am]

BILLING CODE 3510–DS–M

[C–408–046]

Sugar From the European Community; Determination Not To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of determination not to revoke countervailing duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the countervailing duty order on sugar from the European Community (EC).

EFFECTIVE DATE: September 18, 1989.

FOR FURTHER INFORMATION CONTACT: Patricia Cooper or Ilene Hersher, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION: On June 30, 1989, the Department of Commerce ("the Department") published in the **Federal Register** (54 FR 27662) its intent to revoke the countervailing duty order on sugar from the EC (43 FR 33237; July 31, 1978). The Department may revoke an order if the Secretary concludes that the order is in longer of interest to interested parties. We had not received a request for an administrative review of the order for the last four consecutive annual anniversary months.

On July 20, 1989, the United States Cane Sugar Refiners' Association requested an administrative review of the order for the period January 1, 1988 through December 31, 1988. On August 22, 1989, we initiated that administrtive review (54 FR 34804). Therefore, we no longer intend to revoke the order.

This notice is in accordance with § 355.25 of the Commerce Department's regulations published in the **Federal Register** on December 27, 1988 (53 FR 52306) (to be codified at 19 CFR 355.25).

Dated: September 6, 1989.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 89–21945 Filed 9–15–89; 8:45 am]

BILLING CODE 3510–05–M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: International Trade Administration

Title: Survey of Export Trade Intermediaries

Form Numbers: Agency—ITA–4104P; OMB—0625–

Type of Request: New collection—expedited review request

Burden: 500 respondents; 250 reporting hours

Average Hours per Response: One-half hour

Needs and Uses: Congress is requiring a report on the activities of the Department of Commerce to promote and encourage the formation of new and the operation of existing and new export trade intermediaries, including export management companies, export trade associations, bank export trading companies, and export trading companies. The report is to include a survey of the activities of such entities. The International Trade Administration will analyze the information and develop a set of generalized parameters of the activities undertaken by the average surveyed firm so that the report shall not contain any information subject to the protection from disclosure.

Affected Public: Individuals or households, State or local governments, businesses or other for profit; non-profit institutions, small businesses or organizations

Frequency: Other: one time only

Respondent's Obligation: Voluntary

OMB Desk Officer: Donald Arbuckle, 395–7340

The interview questions are printed below. A copy of the complete clearance package can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Donald Arbuckle, OMB Desk Officer,

Room 3208 New Executive Office Building, Washington, DC 20503.

Dated: September 12, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

Dear Exporter:

How do export trade intermediaries facilitate exports of U.S. products and services? What services do they provide, to whom, and in which markets? How important are export trade intermediaries to U.S. export trade? You can help answer these and other important questions about export trade intermediaries by taking a few minutes to complete the enclosed survey of the activities and operations of export trade intermediaries.

The Department of Commerce is the Federal agency charged with promoting the formation and use of export trade intermediaries. In order to do our job better, we need to know as much as possible about the industry. Congress recognized this and has directed the department to conduct this survey.

Please take a few minutes now to respond to the questionnaire. Return your answers to the Department of Commerce in the enclosed postage-paid, pre-addressed envelope. Your answers will be treated as Business Confidential.

Thank you for your cooperation. If you have any questions, please call the Office of Export Trading Company Affairs, (202) 377-5131 (not a toll free number). If you wish to obtain a copy of the results of the survey, check "yes" in the last question of the survey.

Sincerely,

Douglas J. Aller,

Director, Office of Export Trading Company Affairs.

Enclosures: Form ITA-4104P, Return Envelope.

BILLING CODE 3510-CW-M

Form ITA-4104P

OMB No. 0625-_____
Expires _____

SURVEY OF EXPORT TRADE INTERMEDIARIES

This report of the activities and operations of export trade intermediaries is authorized by law (PL 100-418). While you are not required to respond, your cooperation is needed to make the results of this survey comprehensive, accurate and timely. Your answers will be treated as Business Confidential.

The public reporting burden for this collection of information is estimated to average one-half hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of the information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Reports Clearance Officer, International Trade Administration, Room 4001, U.S. Department of Commerce, Washington, D.C. 20230 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project, Washington, D.C., 20503. (0625-)

1. Name of Company: _____
   Address: _____
   _____
   Telephone Number: (___) _____

2. Respondent's Name: _____
   Title: _____

3. Name of principal owners (including parent companies):

Owner's Name	Title (if applicable)	Approximate Years of Export Experience

4. How long has your firm been in business? _____

5. How many employees does your company have:

In the U.S.? _____ Abroad? _____

6. How many offices do you have:

In U.S.? _____ Abroad? _____

Location of offices: In U.S. (cities) _____

_____

Abroad (cities and countries) _____

_____

7. Please indicate the extent to which your company exports each of the following products. (check one)

Type of Export	No Exports	Some Exports	Substantial Exports
Products:			
Commodities			
High Tech			
Industrial			
Consumer Goods			
Other (specify)			

Intermediaries Survey p. 3

8. Please check the top three regions of destination for your products:

	Top Destinations								
Products	Carib Basin	Latin Amer	Canada	West Eur	East Eur	Mid East	Africa	Pacif Rim	Other (list)
Commodities									
High tech									
Industrial									
Consumer Goods									
Other (list)									
_____									
_____									
_____									

9. What were your company's gross revenues (sales and commissions) in the last fiscal year? (check one)

(in millions of dollars)

Under 1.0	1.0-1.9	2.0-4.9	5.0-9.9	10.0-49.0	50.0-99.0	100.0-500.0	Over 500.0

Intermediaries Survey p. 4

10. Please indicate how frequently your company provides to its export clients the following individual services. (check one)

Services Provided	Frequency of Service Provided: Nearly Always	Sometimes	Never	Comments
Market Research				
Locate foreign buyers agents or distributors				
Take title to goods				
Conduct credit analysis				
Act as own freight forwarder or shipper				
Arrange for transportation				
Arrange for insurance				
Arrange for trade finance				
Provide trade finance				
Warehouse in your U.S. facilities				
Warehouse in your facilities abroad				
Arrange warehousing				
Train distributors and/ or agents				
Arrange for servicing of products overseas				
Set or recommend pricing				
Other (specify):				

Intermediaries Survey p.5

11. Please indicate the importance of the following export intermediary activities to your company's gross revenues. (check one)

Export Intermediary Activity	Importance to last year's gross revenue: Negligible Importance	Of Some Importance	Of Major Importance
Products exported by your company	_____	_____	_____
Services to facilitate exports of products by your company or others.	_____	_____	_____
Other (list)			
_____	_____	_____	_____
_____	_____	_____	_____

12. Indicate the nature and frequency of the exclusive arrangements your company makes with your clients. (check one)

Nature of exclusive arrangement	Frequency of arrangement: Always	Occasionally	Seldom	Never
Territory exclusiveness	_____	_____	_____	____
Brand/trade mark exclusiveness	_____	_____	_____	____
Product line exclusiveness	_____	_____	_____	____

Would you like a copy of the survey results? Yes _____; No _____.

Thank you for your cooperation. Please return the completed questionnaire in the envelope provided. (If the envelope has been misplaced, please return to: Douglas J. Aller, Director, Office of Export Trading Company Affairs, Room 1223, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.)

[FR Doc. 89-21936 Filed 9-15-89; 8:45 am]
BILLING CODE 3510-CW-C

Applications for Duty-Free Entry of Scientific Instruments; University of California

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5 (a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 89–204. *Applicant:* University of California at Berkeley, Lawrence Berkeley Laboratory, 1 Cyclotron Road, Bldg. 69, Berkeley, CA 94720. *Instrument:* Stable Isotope Ratio Mass Spectrometer. *Manufacturer:* VG Isogas, United Kingdom. *Intended Use:* The instrument will be used to analyze gases produced from geological samples (rocks and minerals), crustal fluids, and other materials of interest (e.g., high temperature superconductors). The range in materials that can be studied is very large, for most naturally occurring substances contain significant quantities of the elements of interest (oxygen, hydrogen, nitrogen, sulfur, carbon, and the rare gases). *Application Received by Commissioner of Customs:* August 8, 1989.

Docket Number: 89–205. *Applicant:* Metropolitan Hospital Center, 1901 First Avenue, New York, NY 10029. *Instrument:* Electron Microscope, Model H–7000. *Manufacturer:* Hitachi, Japan. *Intended Use:* The instrument will be used for the investigation of bran, kidney or tumor tissue usually in the study of AIDS. The objective of the investigations is to obain early diagnosis of offending organisms or tumor to expedite proper treatment. *Application Received by Commissioner of Customs:* August 8, 1989.

Docket Number: 89–206. *Applicant:* Shriners Hospitals for Crippled Children/Burns Institute, 610 Texas Avenue, Galveston, TX 77550. *Instrument:* Gas Isotope Ratio Mass Spectrometer, Model Sira Series II. *Manufacturer:* VG Instruments, United Kingdon. *Intended Use:* Determine the stable isotope enrichment of blood-borne organic compounds in order to quantitate metabolism in severely burned children. The objective of this research is the manipulation of the metabolic state of the burn patient to better improve the rate of wound healing, improve survival, and facilitate functional recovery of muscle. *Application Received by Commissioner of Customs:* August 8, 1989.

Docket Number: 89–207. *Applicant:* University of Kansas, Department of Physiology & Cell Biology, Haworth Hall, Lawrence, Kansas 66045. *Instrument:* Electron Microscope, Model JEM–1200EX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument will be used in the studies of cells, tissues, and substances of cellular origin which will invove the examination and recording of the ultrastructure of appropriately prepared samples. The experiments conducted will include but are not limited to the following:

(a) Distribution of glutamate binding receptors in neurons of the rat brain,

(b) Structure and function of the motile cilia and flagella of various cell types, from certain protozoa to ciliated cells lining the cow trachea,

(c) Structure and differentiation of pigment cells in frog and salamander skin,

(d) Distribution and substance of microtubules in neurons as correlated with their functional activities and induced pathological changes, and

(e) Structure and distribution of junctions between neurons in the olfactory pathway of the bullfrog.

In addition, the instrument will be used for demonstration purposes to provide small groups of students with the opportunity to see a state-of-the-art electron microscope in use. *Application Received by Commissioner of Customs:* August 8, 1989.

Docket Number: 89–209. *Applicant:* Case Western Reserve University, 10900 Euclid Avenue, Cleveland, OH 44106. *Instrument:* Electron Microscope, Model CM 20, with Accessories. *Manufacturer:* N.V. Philips, Netherlands. *Intended Use:* The instrument will be used to conduct research of the following:

1. Interphase interfaces in advanced structural composites

2. Diboride reinforced oxide matrix composites

3. Alloy development in partially-stabilized ZrO_2 and other ZrO_2-base ceramics

4. Metal/ceramic interphases in ceramic microelectronic packages

5. Theoretical and experimental investigation of pyrolitic coatings produced by chemical vapor deposition

6. Structural and electrical characterization of lattice defects in b-SiC

7. Transition metal carbides and borides

8. Viscous creep deformation of polycrystalline ternary oxides at elevated temperatures.

In addition, the instrument will be used in the courses EMSE 509, Electron Microscopy, and EMES 512, Analytical Electron Microscopy to teach students the practical use, theory and applications of electron microscopy to metallurgy and materials science. *Application Received by Commissioner of Customs:* August 10, 1989.

Docket Number: 89–210. *Applicant:* University of California at San Francisco, Francis I. Proctor Foundation, 513 Parnassus, Room S–315, San Francisco, CA 94143–0412. *Instrument:* Electron Microscope, Model EM 10CA.

Manufacturer: Carl Zeiss, West Germany. *Intended Use:* Studies in a variety of basic science and medical research projects including analyses of normal and abnormal functions of cells and the study of parasitic, bacterial and viral infections. *Applications Received by the Commissioner of Customs:* August 10, 1989.

Docket Number: 89–211. *Applicant:* Vanderbilt University, 21st and Garland Avenue, Nashville, TN 37323. *Instrument:* Electron Microscope, Model BM 900T. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* The instrument will be used for studies of animal and human kidney, lung, lymph node, bone marrow tissues and cell cultures. Experiments will involve examination of organelles and cell types and comparison of these with control tissues and cells for the determination of differences. The objective of these experiments is the correlation of structural features with functional abnormalities or developmental changes. In addition, the instrument will be used for the preparation of teaching materials for Pathology 501, a training course in electron microscopy for resident physicians in pathology or graduate students. *Application Received by Commissioner of Customs:* August 10, 1989.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89–21947 Filed 9–15–89; 8:45 am]

BILLING CODE 3510–DS–M

National Institute of Standards and Technology

[Docket No. 90888-9188]

Cooperative Research and Development Opportunity in the National Institute of Standards and Technology

AGENCY: National Institute of Standards and Technology.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) seeks industrial parties interested in entering into a cooperative research program with NIST on software for interactive graphical data analysis in engineering experimentation. This program will be undertaken within the scope and confines of the Federal Technology Transfer Act of 1986 (15th U.S.C. 37110a), which provides Federal laboratories, including NIST, with the authority to enter into cooperative research agreements with qualified parties. Under this law, NIST may contribute personnel, equipment, and facilities—but no funds—to the cooperative research program. Contributions from other participants may include funding, personnel, facilities, and equipment. This is not a grant program.

DATE: Interested parties should contact NIST at the address or telephone number shown below no later than January 1, 1990.

ADDRESS: Statistical Engineering Division, 714, National Institute of Standards and Technology, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Robert Lundegard (301) 975-2839.

SUPPLEMENTARY INFORMATION: NIST seeks qualified industrial parties interested in entering into a cooperative research program on software for interactive graphical data analysis. NIST has developed a software system (DATAPLOT) for interactive graphical analysis of engineering data which is versatile, fast and powerful. Potential areas of application include the statistical planning of experiments for process and product design, process quality control, and calibration analysis and estimation. The technology developed to date is, or will be placed, in the public domain.

To exploit the commercial potential of these techniques, NIST would like to enter into a cooperative research and development program with a company or companies to develop commercially marketable software based on this technology. NIST would like to work with an established company or companies that have significant expertise in the manufacture of statistical software and in marketing to the appropriate commercial sectors. Firms would be prepared to invest adequate resources in the collaboration and be firmly committed to bringing a product to the market.

This program is being undertaken within the scope and confines of the Federal Technology Transfer Act of 1986 (Pub. L. 99-502), which authorizes government owned and operated Federal laboratories, including NIST, to enter into cooperative research and development agreements (CRDAs) with qualified parties. Under the law, a CRDA may provide for contributions from the Federal laboratory of personnel, facilities, and equipment, but not direct funding. Contributions from other participants may include funding, personnel, facilities, and equipment. This is not a grant program. This program is covered by 15 CFR part 26, Nonprocurement Debarment and Suspension.

Dated: September 13, 1989.

Raymond G. Kammer,

Acting Director.

[FR Doc. 89-21969 Filed 9-15-89; 8:45 am]

BILLING CODE 3510-13-M

[Docket No. 90769-9169]

RIN 0693-AA62

Proposed Federal Information Processing Standard (FIPS) Electronic Data for Interchange (EDI)

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Request for comments.

SUMMARY: A Federal Information Processing Standards (FIPS) adopting national and international standards for Electronic Data Interchange (EDI) is proposed for Federal agency use. This FIPS will adopt families of standards known as X12 and EDIFACT which were developed by Accredited Standards Committee X12 on Electronic Data Interchange, and by the United Nations Economic Commission for Europe, Working Party (Four) on Facilitation of International Trade Procedures (UN/ECE/WP.4).

Prior to the submission of this proposed FIPS to the Secretary of Commerce for review and approval, it is essential to assure that consideration is given to the needs and views of manufacturers, the public, and State and local governments. The purpose of this notice is to solicit such views.

This proposed FIPS contains two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specifications section which deals with the technical requirements of the standard. Only the announcement section of the standard is provided in this notice. Interested parties may obtain copies of the published technical specifications from Global Engineering Documents, Inc. (1-800-854-7179). Copies of the published technical specifications are also available for review at NIST (301) 975-2816.

DATE: Comments on this proposed FIPS must be received on or before December 18, 1989.

ADDRESS: Written comments on this proposed standard should be sent to: Director, National Computer Systems Laboratory, ATTN: Proposed FIPS for EDI, Technology Building, Room B154, National Institute of Standards and Technology, Gaithersburg, MD 20899.

Written comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Roy G. Saltman, National Institute of Standards and Technology, Gaithersburg, MD. 20899, telephone (301) 975-3376.

Dated: September 13, 1989.

Raymond G. Kammer,

Acting Director.

Federal Information Processing Standards Publication XXX 1990 Month Day Announcing the Standard for Electronic Data Interchange (EDI)

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100-235.

1. Name of Standards.

Electronic Data Interchange (EDI) (FIPS PUB xxx).

2. Category of Standard.

Software Standard, Electronic Data Interchange.

3. Explanation

This publication announces the adoption, as a Federal Information Processing Standard, of identical national and international voluntary standards for EDI. In EDI, information that would be traditionally conveyed on paper documents is provided in an electronic format according to established rules and procedures. The formatted data may be transmitted to one or more recipients over telecommunications lines or physically transported on storage media.

In EDI, the data on each type of document are transmitted together as a standard formatted message type or "transaction set." Underlying standards, integral to the use of the message type standards, define data types, data elements, data segments, and message transmission envelopes. The message type standards together with the underlying standards from a family of interconnected standards that must be treated together as a whole.

The standardization of message formats, and of data segments and elements within the messages, makes possible the formulation, decomposition, and processing of the messages by computer.

This FIPS generally adopts the families of standards known as X12 and EDIFACT. These standards have been developed respectively by Accredited Standards Committee X12 on Electronic Data Interchange, accredited by the American National Standards Institute (ASC X12), and by the United Nations Economic Commission for Europe—Working Party (Four) on Facilitation of International Trade Procedures (UN/ECE/WP./4).

4. Approving Authority

Secretary of Commerce.

5. Maintenance Agency

U.S. Department of Commerce, National Institute of Standards and Technology (NIST), National Computer Systems Laboratory.

6. Cross Index

Federal Information Processing Standards Publication 146, Government Open Systems Interconnection Profile (GOSIP).

- Federal Information Processing Standards Publication 113, Computer Data Authentication.
- Federal Information Processing Standards Publication 46–1, Data Encryption Standard.

7. Objectives

The primary objectives of this standard are:

a. To promote the achievement of the benefits of EDI: reduced paperwork, fewer transcription errors, faster response time for procurement needs, reduced inventory requirements, and faster payment of vendors;

b. To ease the interchange of data sent via EDI by the assurance of common data formats for contents and envelopes;

c. To minimize the cost of EDI implementation by preventing duplication of effort.

8. Applicability

8.1 Conditions of Application

This standard is applicable to any type of information interchanged between organizations that (1) consists of a set of fields or data elements containing either character or binary data, (2) is in such common use that a standard format has been or could be created, and (3) the use of computers for message formulation, decomposition, and processing would be cost-effective. This standard is not intended to apply to messages that are primarily free-form, e.g., composed of text.

8.2 Use of GOSIP

EDI transmissions over telecommunications lines shall employ the common set of data communication protocols defined in FIPS PUB 146 (GOSIP). Acquisition of products and services employing GOSIP shall follow the implementation schedule specified in FIPS PUB 146.

8.3 Subject Matter

Primary applicability of this FIPS PUB on EDI is to business information. This term encompasses the entire range of information associated with commercial and business transactions, and with field unit supply. Examples are for:

a. *Vendor search and selection:* Price/sales catalogs, bids, proposals, requests for quotations, notices of contract solicitation, debarment data, trading partner profiles;

b. *Contract award:* Notices of award, purchase orders, purchase order acknowledgments, purchase order changes;

c. *Product data:* Specifications, digitized drawings, manufacturing instructions, reports of test results, safety data;

d. *Shipping, forwarding, and receiving:* Shipping manifests, bills of lading, shipping status reports, receiving reports;

e. *Customs:* Tariff filings, customs declarations;

f. *Payment:* Invoices, remittance advices, payments, payment status inquiries, payment acknowledgments;

g. *Inventory control:* Stock level reports, resupply requests, warehouse activity reports;

h. *Maintenance:* Service schedules and activity, warranty data;

i. *Tax-related data:* Tax information and filings.

8.4 Additional Applicability

This standard also is applicable to other information transmitted or received by agencies of the Federal Government and meeting the criteria specified in paragraph 8.1. Usage may concern, for example, environmental or natural resource status; criminal justice; demographic, economic educational, or health statistics; Government facility status; etc. Agencies employing such message data are not required to adopt the national or international standards specified in this FIPS, but are encouraged to do so (by submitting their message types for standardization by ASC X12) in order to achieve the benefits of common envelope processing protocols and common data elements.

9. Specifications

Documents are available that define the standard message types for both X12 and EDIFACT, as well as the underlying standards for both families. Developments are continuing in both systems.

9.1 Source of Documents

Documents defining both the X12 and EDIFACT families of standards are available from: Data Interchange Standards Association (DISA), 1800 Diagonal Road—Suite 355, Alexandria, VA 22314, Phone: (703) 548–7005.

DISA serves as the secretariat for ASC X12; the latter includes the North American EDIFACT Board (NAEB) as a standing task group. NAEB provides the focal point for US and Canadian input to the EDIFACT development process.

9.2 X12 Documents

Underlying standards for X12 include:

X12.3 Data Element Dictionary
X12.5 Interchange Control Structure
X12.6 Application Control Structure
X12.20 Functional Acknowledgment
X12.22 Data Segment Directory

Message types ("transaction sets") for X12 include the following. Additional transaction sets are continually being identified, developed, and submitted for standardization.

X12.1 Purchase Order
X12.2 Invoice
X12.4 Payment Order/Remittance Advice

X12.7 Request For Quotation
X12.8 Response To Request for Quotation
X12.9 Purchase Order Acknowledgment
X12.10 Shipping Notice/Manifest
X12.12 Receiving Advice
X12.13 Price/Sales Catalog
X12.14 Planning Schedule With Release Capability
X12.15 Purchase Order Change Request
X12.6 Purchase Order Change Request Acknowledgment

9.3 EDIFACT Documents

Underlying standards for EDIFACT include:

International Standard ISO 9735 Electronic Data Interchange For Administration, Commerce And Transport (EDIFACT)—Application Level Syntax Rules
UN/EDIFACT Syntax Implementation Guidelines (TRADE/WP.4/R.530)
UN/EDIFACT Message Design Guidelines (TRADE/WP.4/R.528)
UN/EDIFACT Data Elements Directory
UN/EDIFACT Code List Directory
UN/EDIFACT Segments Directory

EDIFACT message types (United Nations Standard Messages—UNSMs) include the following. Additional message types are continually being identified, developed, and submitted for standardization.

Inovice Message—(TRADE/WP.4/R.527).

9.4 Versions of Documents

Dates of issue have not been stated for the documents listed above, since the documents are subject to periodic update and revision.

X12 documents are identified by version number; updates are identified by release number. The 1983 standards are referred to as Version 001; the 1986 standards (the most recent set) are Version 002. Release 003 to Version 002 was published in April 1989. In each X12 transmission, the utilized version and release values are transmitted at a particular point within the header.

UN/ECE/WP.4 is in the process of developing a policy on identification of versions and releases. EDIFACT Directories are being updated twice a year and are identified by a number of the form yy.r, where yy is the last two digits of the year, and r is the release number for the year (either 1 or 2), e.g., 89.1.

10. Implementation

10.1 Schedule for Adoption

This standard is effective six months after publication in the **Federal Register** announcing approval by the Secretary of Commerce. Agencies procuring or upgrading EDI systems after the effective date shall use either X12 standards or EDIFACT.

10.2 Selection of X12 or EDIFACT

Until the general acceptance of a single voluntary standard, agencies may utilize X12 standards or EDIFACT. In selecting a standard, agencies should attempt to maximize economy and efficiency and to minimize the cost imposed on U.S. businesses. Consistent with these two criteria, agencies should use X12 standards for domestic interchanges, and X12 or EDIFACT for international interchanges. Agencies may employ both standards where required to meet the needs of trading partners and to be consistent with the two criteria.

10.3 Continued Use of EDI Industry Standards

Existing systems employing widely used industry-specific EDI standards may continue to use those standards for three years following the effective date of this FIPS PUB. Industry-specific EDI standards may be used beyond that time interval only if no equivalent X12 standards, either trial use of final, have been approved.

10.4 Version Selection

Agencies shall convert their systems to the most recent versions of the EDI standards, within six months of version adoption. Trading partners must be provided with sufficient advance notification of cut-over dates. Interchange partners must be aware of the version/release being used, in order to successfully exchange data.

10.5 Security and Authorization

Agencies shall not limit security and authentication procedures to those adopted by ASC X12 or by UN/ECE/WP.4. Agencies shall employ appropriate risk management techniques to determine the appropriate mix of security controls needed to protect specific data and systems. The selection of controls shall take into account procedures required under applicable laws and regulations.

11. Waivers

Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of title 44, U.S.C.

Requests for waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or

b. Cause a major adverse financial impact on the operator which is not offset by Government-wide savings.

Agency heads may act only upon written waiver requests containing the information detailed above. Agency heads may approve requests for waivers only by a written decision which explains the basis upon which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to the: Director, National Computer Systems Laboratory, Attn: FIPS Waiver Decisions, Technology Building, Room B–154, National Institute of Standards and Technology, Gaithersburg, MD 20899. In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the **Federal Register**.

When the determination on a waiver request applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver request, any supporting documents, the document approving the waiver request and any supporting and accompanying document(s), with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

12. Where to Obtain Copies

Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. When ordering, refer to Federal Information Processing Standards Publication xxx (FIPS–PUBxxx), and title. Payment may be made by check, money order, or NTIS deposit account.

[FR Doc. 89–21968 Filed 9–15–89; 8:45 am]
BILLING CODE 3510–CN–M

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the

provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Oceanic and Atmospheric Administration
Title: Application for Designation as a Sea Grant College or Regional Consortia
Form Number: None; OMB—0648–0147
Type of Request: Request for extension of OMB approval of a currently cleared collection
Burden: 1 respondent; 20 reporting hours; average hours per response—20 hours
Needs and Uses: Eligible institutions may be designated as Sea Grant Colleges or Regional Consortia if they meet certain criteria. Applications for designation must outline the institution's capabilities and the reasons why they wish to be designated
Affected Public: Non-profit institutions or organizations
Frequency: One-time
Respondent's Obligation: Voluntary
OMB Desk Officer: Russell Scarato, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Russell Scarato, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: September 11, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89–21940 Filed 9–15–89; 8:45 am]

BILLING CODE 3510-CW-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in the Socialist Republic of Romania

September 12, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 20, 1989.

FOR FURTHER INFORMATION CONTACT: Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–5810. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Category 444 is being increased by application of swing, reducing the limit for Category 435 to account for the swing being applied.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Tariff Schedule of the United States (see **Federal Register** notice 53 FR 44937, published on November 7, 1988). Also see 53 FR 50439, published on December 15, 1988.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 12, 1989.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 12, 1988 by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain wood and man-made fiber textile products, produced or manufactured in Romania and exported during the period which began on January 1, 1989 and extends through December 31, 1989.

Effective on September 20, 1989, the directive of December 12, 1988 is being amended to adjust the following limits, as provided under the provisions of the current bilateral textile agreement between the Governments of the United States and the Socialist Republic of Romania:

Category	Adjusted twelve-month limit [1]
435	4,895 dozen
444	33,622 numbers

[1] The limits have not been adjusted to account for any imports exported after December 31, 1988.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89–21941 Filed 9–18–89; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: The 1989 ARI Survey of Employers; No Applicable Form; and No OMB Control Number.
Type of Request: New.
Average Burden Hours/Minutes per Response: 30 minutes.
Frequency of Response: One response per respondent.
Number of Respondents: 1,000.
Annual Burden Hours: 500.
Annual Responses: 1,000.
Needs and Uses: This survey continues the collection of data about enlistment decision influencers that started with the Army Communications Objectives Measurement Systems (ACCOMS). Employers' attitudes about acquired Army skills and attributes that contribute to the enlistment decisions of youth, who are motivated by opportunities to acquire work training, that can be transferred to the civilian sector.
Affected Public: Business or other for-profit; Small businesses or organizations.
Frequency: One-time.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. J. Timothy Sprehe at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

Written request for copies of the information collection proposal should be sent to Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1205, Arlington, Virginia 22202–4302.

Dated: September 13, 1989.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-21973 Filed 9-15-89; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

September 11, 1989.

The USAF Scientific Advisory Board Ad Hoc Committee on Aircraft Infrastructure—Subsystem and Component Reliability Improvement Research and Development Needs will meet on October 5, 1989, from 9:30 a.m. to 10:15 a.m. in room 4E196, at The Pentagon, Washington, DC.

The purpose of this meeting will be to brief the Chief of Staff, USAF, on the results of their study. The meeting will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 89-21928 Filed 9-15-89; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Intent To Prepare an Environmental Impact Statement for Realignment of Naval Station Puget Sound, Sand Point, WA

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500-1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) for the partial closure (realignment) of Naval Station Puget Sound, Sand Point, Washington. This involves relocation of facilities at Sand Point to sites on and in the vicinity of Naval Station Puget Sound, Everett, Washington.

The Secretary of Defense Commission on Base Realignment and Closure identified and recommended to the President and Congress military installations that could be realigned and closed. Under provisions of the Base Realignment and Closure Act of 1988 (10 U.S.C. 2687), Congress authorized the realignment of Naval Station Puget Sound, Sand Point, Washington.

The EIS will address the potential environmental impacts associated with land acquisition, relocation of support facilities, and realignment of existing facilities at Sand Point to Naval Station Puget Sound, Everett, and vicinity. Alternatives currently identified include various land acquisition sites and placement of support facilities within Snohomish County, Washington; placement of additional facilities at the Everett homeport site; and variations on both of these scenarios. Facilities to be relocated include a commissary/exchange complex, various administrative offices, family services center and hobby shop. The Base Realignment and Closure Act requires realignment and relocation of facilities at Naval Station Puget Sound, Sand Point. Future use of land and facilities not retained by the Navy at Sand Point are outside the scope of this document and will not be addressed in this EIS.

The Navy will initiate a scoping process for the purpose of determining the scope of issues to be addressed and for identifying the significant issues related to this action. The Navy will hold public scoping meetings on October 2, 1989, beginning at 7:30 p.m., in the Ginny Stevens Hearing Room of the Snohomish County Administration Building, 3000 Rockefeller Avenue, Everett, Washington and on October 3, 1989 beginning at 7:30 p.m., in the Naval Station Puget Sound, Sand Point Theater, 7500 Sand Point Way, Seattle, Washington. These meetings will be advertised in Everett and Sand Point area newspapers.

A formal presentation will precede request for public comment. Navy representatives will be available at this meeting to receive comments from the public regarding issues of concern to the public. It is important that federal, state, and local agencies and interested individuals take this opportunity to identify environmental concerns that should be addressed during the preparation of the EIS.

Agencies and the public are also invited and encouraged to provide written comment in addition to, or in lieu of, oral comments at the public meetings. To be most helpful, scoping comments should clearly describe specific issues or topics which the commentor believes the EIS should address. Written statements and or questions regarding the scoping process should be mailed no later than 30 October 1989 to: Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Northwest, 3505 NW Anderson Hill Road, Silverdale, Washington 94055-0720 (Attn; Mr. Don Morris (Code 09EP3) (telephone (206) 476-5775).

Dated: September 12, 1989.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 89-21913 Filed 9-15-89; 8:45 am]

BILLING CODE 3810-AE-M

Government-Owned Inventions; Availability of Licensing

AGENCY: Department of the Navy, DOD.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made available for licensing by the Department of the Navy.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for $1.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Copies also may be ordered by telephone request to (703) 487-4650. Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the patent application copies sold to avoid premature disclosure.

DATE: September 18, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000, telephone (202) 696-4001.

Patent 4,021,846: Liquid Crystal Stereoscopic Viewer; filed 25 September 1972; patented 3 May 1977.

Patent 4,589,342: Rocket-Powered Training Missile With Impact Motor Splitting Device; filed 28 February 1985; patented 20 May 1986.

Patent 4,599,041: Variable Camber Tandem Blade Row for Turbomachines; filed 19 December 1984; patented 8 July 1986.

Patent 4,655,698: Compressor-Scavenging Eductor System; filed 26 July 1985; patented 7 April 1987.

Patent 4,656,616: Volumetric Transducer Array and Erecting Structure; filed 4 December 1975; patented 7 April 1987.

Patent 4,689,400: Enhancement of Specific Antibody Production With Anti-IGD Antibodies; filed 27 June 1985; patented 25 August 1987.

Patent 4,730,819: Printed Circuit Board Clamp Fixture; filed 2 June 1986; patented 15 March 1988.

Patent 4,772,877: Security Indicating Attachment for Safe-Type Apparatus; filed 17 March 1987; patented 20 September 1988.

Patent 4,779,277: Free Electron Laser Injection Oscillator; filed 9 March 1983; patented 18 October 1988.

Patent 4,779,511: Disposal Dearmer for EOD Applications; filed 9 July 1985; patented 25 October 1988.

Patent 4,781,117: Fragmentable Warheard of Modular Construction; filed 20 July 1987; patented 1 November 1988.

Patent 4,788,428: Thermodynamics Infrared Imaging Sensor; filed 4 March 1985; patented 29 November 1988.

Patent 4,797,807: Multiple Channel Fast Orthogonalization Network; filed 2 August 1985; patented 10 January 1989.

Patent 4,798,141: Missile Equipment Section Structure; filed 31 July 1987; patented 12 January 1989.

Patent 4,813,789: Near-Field Radio Wave Dosimetry; filed 1 August 1988; patented 21 March 1989.

Patent 4,822,458: Anodic Coating With Enhanced Thermal Conductivity; filed 25 April 1988; patented 18 April 1989.

Patent 4,824,348: Multiple Tooth Engagement Single Screw Mechanism; filed 25 August 1986; patented 25 April 1989.

Patent 4,825,441: Free Electron Laser Using a Relativistic Beam With Spiralling Electron; filed 31 January 1984; patented 25 April 1989.

Patent 4,828,454: Variable Capacity Centrifugal Pump; filed 22 February 1988; patented 9 May 1989.

Patent 4,829,494: Acoustic Pinger for Use in High Speed Water Entry Test Bodies; filed 13 April 1987; patented 9 May 1989.

Patent 4,831,186: Pentafluorosulfanyl Polynitroaliphatic Urea, Monocarbamate, and Dicarbamate Explosive Compounds; filed 24 June 1988; patented 16 May 1989.

Patent 4,831,345: Stripline Power Divider; filed 17 June 1988; patented 16 May 1989.

Patent 4,832,933: Metal Tetraiodomercurates as Infrared Detectors; filed 26 February 1988; patented 23 May 1989.

Patent 4,834,011: Air Cushion Vehicle Stern Seal; filed 13 September 1988; patented 30 May 1989.

Patent 4,834,684: Ball Lock Release Mechanism; filed 1 February 1988; patented 30 May 1989.

Patent 4,834,942: Elevated Temperature Aluminum-Titanium Alloy by Powder Metallurgy Process; filed 29 January 1988; patented 30 May 1989.

Patent 4,835,462: Means for Proximal End Measurement of AC Voltage Across Digital End Cable Load; filed 1 February 1988; patented 30 May 1989.

Patent 4,838,646: Optical Arithmetic Logic Using the Modified Signed-Digit Redundant Number Representation; filed 29 December 1986; patented 13 June 1989.

Patent 4,838,797: Underwater Connect and Disconnect Plug and Receptacle; filed 19 June 1987; patented 13 June 1989.

Patent 4,842,218: Pivotal Mono Wing Cruise Missile With Wing Deployment and Fastener Mechanism; filed 29 August 1980; patented 27 June 1989.

Patent 4,843,060: Method for Growing Patterned Thin Films of Superconductors; filed 23 November 1987; patented 27 June 1989.

Patent 4,843,448: Thin-Film Integrated Injection Logic; filed 18 April 1988; patented 27 June 1989.

Patent Application 213,032: Liquid Level Measurement System for Analog and Digital Readout; filed 27 June 1988.

Patent Application 215,139: Yaw Fin Deployment Apparatus for Ejection Seat; filed 5 July 1988.

Patent Application 238,675: Garmet Pressurizing Apparatus; filed 30 August 1988.

Patent Application 245,421: Lasing Dye Sensor for Chemical Vapors; filed 16 September 1988.

Patent Application 304,041: Adaptive MTI Target Preservation; filed 30 January 1989.

Patent Application 308,910: Means for Improving Turn-Around Time Stability for R–C Energy Detectors; filed 3 February 1989.

Patent Application 326,776: Tracking Harmonic Notch Filter; filed 20 March 1989.

Patent Application 328,651: Multi-Stage Noise-Reducing System; filed 20 March 1989.

Patent Application 329,227: Fluorinated Epoxy Resins With High Glass Transition Temperatures; filed 27 March 1989.

Patent Application 331,200: Combination Primer/Topcoat Coating; filed 28 March 1989.

Patent Application 356,496: Process for Single Crystal Growth of High TC Superconductors; filed 25 May 1989.

Patent Application 360,173: Thin Film Magnetic Memory Element; filed 1 June 1989.

Patent Application 361,074: Apparatus and Method for Monitoring Pressure Leaks from a Sealed System; filed 5 June 1989.

Patent Application 371,884: Infrared Detector Array; filed 21 June 1989.

Patent Application 374,101: NB and NBN Contacts on GAAS; filed 30 June 1989.

Patent Application 374,112: Magnetostrictive Torque Sensor; filed 21 June 1989.

Patent Application 801,895: Nickel Oxide, Ceramic Insulated High-Temperature Coating; filed 26 November 1985.

Dated: September 12, 1989.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 89–21915 Filed 9–15–89; 8:45 am]

BILLING CODE 3810-AE-M

CNO Executive Panel Advisory Meeting (Closed)

Notice as published on August 28, 1989 at 54 FR 35530 that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Technology Surprise Task Force will meet September 19, 1989 at 4401 Ford Avenue, Alexandria, Virginia. Because of operational necessity, this meeting has been canceled. In accordance with 5 U.S.C. 552(e)(2), the meeting cancellation is publicly announced at the earliest practical time.

Dated: September 13, 1989.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 89–21914 Filed 9–15–89; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Noncompetitive Financial Assistance Award; Virginia Polytechnic Institute

AGENCY: U.S. Department of Energy.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.7(b)(2)(i) (A), it plans to make a financial assistance award continuing an activity presently being funded by DOE. Delays in the program, which would result from competing the services, would have a significantly adverse effect on the continuing process of inventor education. The first budget period of a three year project period under Cooperative Agreement Number DE–FC01–89CE15996 to Virginia Polytechnic Institute and State University will fund administration, development and implementation of Energy Related Invention Program (ERIP) workshops.

OBJECTIVE: The objectives of the proposed agreement in which VA TECH and DOE will work cooperatively to develop and implement the ERIP educational programs are: (1) To conduct Commercialization Planning Workshops (CPWs) which bring together inventors and experts and practitioners to work on commercialization issues, and (2) to develop program materials and update the curriculum of educational programs, incorporating the latest developments in the technology of innovation.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, ATTN: Rose Mason, MA–453.2, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Contract Operations Division "B", Office of Procurement Operations.

[FR Doc. 89–21976 Filed 9–15–89; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award; Atlantic Council of the United States

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of Noncompetitive Financial Assistance Award.

SUMMARY: In accordance with 10 CFR 600.7(b), eligibility for award of a grant resulting from Procurement Request No. 01–89IE 10763.000 will be restricted to the Atlantic Council of the United States. The DOE is conducting negotiations with Atlantic Council of the United States for support of a Working Group Project to address U.S. Energy Policies for the 1990s. These negotiations are expected to result in the issuance of Grant Number DE–FG01–89IE10763, in which DOE will provide $100,000 of the total estimated cost of $225,000 for a performance period of eighteen months estimated to begin October 1, 1989.

Project Scope: The grant will provide assistance for a Working Group Project which will conduct a series of meetings and exhanges followed by publication of a policy paper on the Working Group's findings. Selected members of the Working Group will hold meetings with Administration and Congressional leaders to gain insight on their thinking on energy policy issues. Particular emphasis will be placed by the Working Group on critical international aspects of energy issues. Meetings are scheduled for November, 1989. The Working Group's recommendations and substantiating analyses will be published in a report.

The Atlantic Council of the United States is a nonprofit organization that has a solid reputation; has a unique domestic capability to organize and participate in such meetings based on the qualifications of its members and the Working Group participants who represent the business, academic and international communities. Coming from such a broad array of institutions, both U.S. and foreign, the Working Group Project can be expected to recommend innovative solutions to the policy issues at hand, such a determination of a middle-range energy outlook as the basis of U.S. Government energy policy, with particular emphasis on the U.S. role in the world energy market. These national and international relationships make the Atlantic Council of the United States uniquely qualified to conduct this Working Group Project.

FOR FURTHER INFORMATION CONTACT: Lynn Warner, MA–453.1, Office of Procurement Operations, 1000 Independence Avenue, SW., Washington, DC 20585.

Issued in Washington, DC, on September 1989.

Thomas S. Keefe,

Director, Contract Operations Division "B", Office of Procurement Operations.

[FR Doc. 89–21977 Filed 9–15–89; 8:45 am]

BILLING CODE 6450–01–M

Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement; Switzerland

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Switzerland concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Korea concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangmeent to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/KO(SD)-3, for the retransfer of 5,300 kilograms of heavy water from Switzerland to Korea for use as moderator materails for the Wolsung Nuclear Power Plant Unit No. 1.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangment will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Date: September 12, 1989.

Richard H. Williamson,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 89–21975 Filed 9–15–89; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. EL89–51–000]

Lubbock Power and Light Co. v. Southwestern Public Service Co.; Complaint

September 11, 1989.

Take notice that on September 1, 1989, Lubbock Power and Light of the City of Lubbock, Texas (Lubbock), the City of Brownfield, Texas (Brownfield), the City of Floydada, Texas (Floydada), and the City of Tulia, Texas (Tulia) (collectively, Municipalities) tendered for filing a complaint for a reduction in rates for wholesale firm power partial requirements service supplied by the Southwestern Public Service Company (Southwestern).

The Municipalities request that the Commission: (1) Issue an order initiating an evidentiary proceeding under section 206 investigating the justness and reasonableness of the rate charged by SPS for wholesale power sales to its class of partial requirements customers, and in particular those rates charged to Municipalities; (2) that the Commission order a rate reduction and establish just and reasonable rates for the partial requirements class of customers; including Municipalities; (3) that the Commission establish a refund effective date in this proceeding at the earliest date permited under the Federal Power Act, as amended by the Regulatory Fairness Act; and (4) that the Commission grant such other relief as it may deem just and appropriate.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 11, 1989. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Answers to the complaint shall be due on or before October 11, 1989.

Lois D. Cashell,

Secretary.

[FR Doc. 89-21907 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-2056-000]

Natural Gas Pipeline Co. of America; Petition for Declaratory Order

September 11, 1989.

Take notice that on August 31, 1989, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP89-2056-000 a petition pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure (18 CFR 385.207(a)(2)), for a declaratory order with respect to the transportation of natural gas in interstate commerce, all as more set forth in the petition which is on file with the Commission and open to public inspection.

Natural seeks a declaratory order by the Commission to the effect that: (i) Natural, as an open access transporter, may use an "off-system" point (where it has system supply gas available to it) for purposes of Natural's making deliveries under transportation agreements in which it is the transporter; and (ii) that another open access pipeline on which the off-system point is located has an obligation to accept receipt of such transportation gas at that point, subject only to availability of capacity and its first-come first-served queue at that point.

Natural states that its petition arises out of a real controversy between Natural and Northern Natural Gas Company, Division of Enron Corp. (Northern Natural). Natural also states that its petition raised an issue of importance in terms of open access transporters generally being able to provide greater service for potential shippers.

Natural explains that it entered into a self-implementing transportation arrangement with a shipper which named receipt points into Natural's system and which named as the delivery point the interconnection between Northern Border Pipeline Company (Northern Border) and Northern Natural at Ventura, Iowa. Natural explains that the delivery to its shipper at such "off-system" point would take place following the completion of Northern Border's transportation for Natural of Natural's system supply gas but before the start of any transportation service of such gas by Northern Natural for Natural. Natural explains that by its not nominating volumes on Northern Natural, such volumes would be free to be nominated by the shipper, which also has an existing transportation agreement with Northern Natural naming Ventura as the receipt point. Natural states that Northern Natural's refusal to accept the nomination of the shipper away from Ventura has the effect of preventing Natural's contemplated transportation service for the shipper.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 2, 1989 file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Lois D. Cashell,

Secretary.

[FR Doc. 89-21906 Filed 9-15-89; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 89-53-NG]

Valero International Gas, L.P., Application To Amend and Extend an Authorization To Export Natural Gas to Mexico

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application to amend and extend a blanket authorization to export natural gas to Mexico.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on August 3, 1989, of an application filed by Valero International Gas, L.P. (Vigas), requesting amendment and extension of its existing blanket authorization to export natural gas to Mexico. Specifically, Vigas requests blanket authorization to export up to 150 Bcf of natural gas over the two-year period from November 1, 1989, through November 1, 1991. Vigas intends to continue to use existing facilities for the transportation of the natural gas and submit quarterly reports detailing each transaction.

The application is filed with the Department pursuant to section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.d.t., October 18, 1989.

ADDRESS: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION:

Lot Cooke, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3H-087, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8116.

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: Vigas is a limited partnership operating and existing under the laws of the State of Delaware with its principal place of business in San Antonio, Texas. Vigas is authorized, pursuant to Opinion and Order Nos. 199, issued October 20, 1987 (1 ERA Para. 70,730), and 300, issued February 22, 1989 (1 FE Para. 70,203), to export a total of 31.88 Bcf of gas to Mexico for the two-year period from November 1, 1987, through November 1, 1989. Vigas is currently selling 101,000 MMBtus per day of natural gas under two contracts with Petroleos Mexicano (Pemex). Pemex has indicated that it would like to extend its current arrangements with Vigas, as well as possibly increase its purchases of natural gas. Therefore, Vigas has requested an amendment to its existing authorization in order to serve Pemex as well as other potential customers.

This export application will be reviewed under section 3 of the Natural Gas Act and the authority contained in DOE Delegation Order Nos. 0204-111 and 0204-127. In deciding whether the proposed export of natural gas is in the public interest, domestic need for the gas will be considered, and any other issues determined to be appropriate, including whether the arrangement is consistent with the DOE policy of

promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment on these matters as they relate to the requested export authority. The applicant asserts that there is no current need for the domestic gas that would be exported under the proposed arrangement. Parties opposing this arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The DOE has determined that compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, can be accomplished by means of a categorical exclusion. On March 29, 1989, the DOE published in the **Federal Register** (54 FR 12474) a notice of amendments to its guidelines for compliance with NEPA. In that notice, the DOE added to its list of categorical exclusions the approval or disapproval of an import/export authorization for natural gas in cases not involving new construction. Application of the categorical exclusion in any particular case raises a rebuttable presumption that the DOE's action is not a major Federal action under NEPA. Unless the DOE receives comments indicating that the presumption does not or should not apply in this case, no further NEPA review will be conducted by the DOE.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, a notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and response filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Vigas' application is available for inspection and copying in the Office of Fuels Programs Docket Room, Room 3F-056, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on September 12, 1989.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 89-21978 Filed 9-15-89; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Notice of Cases Filed During the Week of June 23 Through June 30, 1989

During the week of June 23 through June 30, 1989, the appeal and the applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: September 8, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 23 through June 30, 1989]

Date	Name and location of applicant	Case No.	Type of submission
June 26, 1989	Albuquerque Journal, Albuquerque, New Mexico	KFA-0303	Appeal of an Information Request Denial. If Granted: The May 24, 1989 Freedom of Information Request Denial issued by the Office of Intergovernmental and External Affairs would be rescinded, and the Albuquerque Journal would receive access to the espionage study conducted by Jerry Brown.
June 26, 1989	Amoco I, Amoco II, National Helium, Vickers/Wisconsin Madison, Wisconsin.	RM21-154, RF251-155, RM3-156 & RM1-157	Request for Modification/Rescission. If Granted: The February 13, 1987, Decision and Order (Case Nos. RQ251-355, RQ21-354, RQ3-214 and RQ1-216) issued to Wisconsin would be modified regarding the state's application for refund submitted in the Amoco I, Amoco II, National Helium and Vickers second stage refund proceeding.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of June 23 through June 30, 1989]

Date	Name and location of applicant	Case No.	Type of submission
June 27, 1989	Thomas P. Reidy, Inc., Washington, DC	KEF-0137	Implementation of Special Refund Procedures. If Granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R. Part 205, Subpart V in connection with the March 14, 1989 Consent Order entered into with Thomas P. Reidy, Inc.
June 28, 1989	Texaco, Inc., New York, New York	KFX-0066	Supplemental. If Granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR part 205, subpart V, in connection with an August 29, 1988 Consent Order entered into with the Economic Regulatory Administration.

REFUND APPLICATIONS RECEIVED

[Week of June 23 to June 30, 1989]

Date received	Name of refund proceeding/name of refund applicant	Case No.
06/30/89	Ken's Gulf	RF300-10842
06/30/89	Teague's Holiday Gulf	RF300-10843
06/30/89	Johnny Viator's Gulf Service.	RF300-10844
06/30/89	Robinson's Gulf	RF300-10845
06/30/89	Floresville Elec. Light & Power.	RF300-10846
06/30/89	The Mitchell Company	RF300-10847
06/30/89	Jeff's Holiday Gulf	RF300-10840
06/29/89	Mid Continent Systems.	RF314-35
06/29/89	Joel Wilkinson/H.C. Oil Corp.	RF308-19
06/30/89	Coast Gas, Inc.	RF238-88
06/30/89	Stone Oil Company	FR314-36
06/30/89	Jack's Gulf Service	RF300-10841
06/26/89	Parker Bros. & Parker Gas Co.	RF313-185
06/26/89	Tops Petroleum Corporation.	RF313-186
06/26/89	Purdy's Manassas, Va. Crown.	RF313-187
06/26/89	Petrolite Corporation	RC272-48
06/26/89	Russell Bros. Ranches, Inc.	RC272-49
06/27/89	Disco City	RF313-188
06/27/89	New Dawn Gas Corporation.	RF313-189
06/27/89	Martinez Exxon Service.	RF307-9993
06/27/89	Grovetown I-20 Exxon.	RF307-9994
06/27/89	Swithers Heating Oil Service.	RF307-9995
06/27/89	J.L. Coward & Sons Oil Company.	RF313-190
06/27/89	Ward Oil Company	RF313-191
06/23/89	J.C. Roberts, Jr.	RF314-33
06/23/89	K.P. Oil, Inc.	RF300-10839
06/26/89	Sherwood Hills Exxon	RF307-9991
06/23/89	Isis Industries, Inc.	RF307-9992
06/23/89 Thru 06/30/89	Crude Oil Refund Applications Received.	FR272-75537 Thru RF272-75549
06/23/89 Thru 06/30/89	Atlantic Richfield Refund Applications Received.	FR304-9604 Thru FR304-9740
06/23/89 Thru 06/30/89	Shell Oil Refund Applications Received.	RF315-6253 Thru FR315-6429

[FR Doc. 89-21980 Filed 9-15-89; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order Issued During the Period of June 26 Through July 28, 1989

During the period of June 26 through July 28, 1989, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR part 205, subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives final notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays.

Dated: September 8, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

WJC, Inc., Midland, Tx, KEE-0174, *Reporting Requirements*

WJC, Inc. filed an Application for Exception from the Energy Information Administration (EIA) reporting requirements in which the firm sought relief from filing Form EIA-23, entitled "Annual Survey of Domestic Oil and Gas Reserves." In considering the request, the DOE found that the firm was not adversely affected by the reporting burden in a way significantly different from the burden borne by similar reporting firms. Accordingly, on July 26, 1989, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 89-21979 Filed 9-15-89; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed During the Week of July 28 Through August 4, 1989

During the Week of July 28 through August 4, 1989, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: September 8, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of July 28, 1989 through Aug. 4, 1989]

Date	Name and location of applicant	Case no.	Type of submission
July 31, 1989	Sutin, Thayer & Browne, Albuquerque, NM	KFA-0309	Appeal of an information, request denial. If granted: The June 13, 1989 Freedom of Information Request Denial issued by the Office of Safeguards and Security, Defense Programs, would be rescinded, and Sutin, Thayer & Browne would receive access to an entire copy of the DOE Manual entitled "Department of Energy Personnel Security Interview Manual."
Aug. 4, 1989	Ronson Management Corp., Vienna, VA	KFA-0310	Appeal of an information. Request denial. If granted: The July 5, 1989 Freedom of Information Request Denial issued by the Bonneville Power Administration Office would be rescinded, and Ronson Management Corporation would receive access to the complete documents requested.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund application	Case No.
July 31, 1989	Ed Silva's Exxon	RF307-10041
July 31, 1989 thru Aug. 4, 1989	Crude Oil Refund Applications Applications Received	RF272-75572 thru RF272-75579
Do	Atlantic Richfield Refund Applications Received	RF304-10081 thru RF304-10107
Do	Crown Central Petroleum Applications Received	RF313-217 thru RF313-301
Do	Shell Oil Company Applications Received	RF315-6661 thru RF315-6722
Aug. 1, 1989	Bill Baker Gulf Diet	RF300-10858
Do	Sheridan Gulf	RF300-10859
Aug. 2, 1989	Showa Line, Ltd	RC272-62
Do	Yamashita-Shinnihon Steamship	RC272-63
Do	Nippon Yusen Kaish	RC272-64
Do	Shinwa Kaivn Kaisha, Ltd	RC272-65
Do	N.V. Bocimar S	RC272-66
Do	Smith Gas & Appliance	RF253-63
Aug. 3, 1989	J&M Exxon	RF307-10043

[FR Doc. 89-21981 Filed 9-15-89; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed During the Week of August 11 Through August 18, 1989

During the week of August 11 through August 18, 1989, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: September 8, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Aug. 11 through Aug. 18, 1989]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 14, 1989	Frensley & Towerman, Kansas City, MO	KFA-0311	Appeal of an information, request denial. If granted: The July 13, 1989, Freedom of Information Request Denial issued by the Office of Intergovernmental and External Affairs would be rescinded and Frensley & Towerman would receive access to certain documents pertaining to contract number DE AC04-85AL30675 for the construction of the Radiation Hardened Integrated Circuits Facility.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Aug. 11 through Aug. 18, 1989]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 17, 1989	Citronelle Mobile Gathering, Inc. et al., Mobile, AL.	KEF-0139	Implementation of special refund procedures. If granted: The Office of Hearing and Appeals would implement special refund procedures for distributing crude oil overcharges collected in Citronelle-Mobile Gathering, Inc. et al. vs. Herrington pursuant to the March 17, 1988 Order of the United States District Court for the Southern District of Alabama.
Aug. 18, 1989	Knolls Action Project, Albany, NY	KFA-0312	Appeal of an information, request denial. If granted: The July 11, 1989 Freedom of Information Request Denial issued by the Naval Reactors Office would be rescinded, and Knolls Action Project would receive access to portions of the Schenectady Naval Reactors and Hazardous Waste Management Programs.

REFUND APPLICATIONS RECEIVED

[Week of Aug. 11 to Aug. 18, 1989]

Date received	Name of refund applicant	Case No.
Aug. 14, 1989	Belridge/New Hampshire	RQ8-520
	Palo Pinto/New Hampshire	RQ5-521
Aug. 15, 1989	Valley Energy Corporation	RF307-10044
Do	Ray B. Davis	RF307-10045
Aug. 18, 1989	Westside Cab Company	RF300-10863
Do	Newport Yellow Cab Company	RF300-10864
Do	Tuxedo Crown	RF313-306
Do	George Wardrup	RF313-307
Aug. 17, 1989	Siler City Oil Co., Inc.	RF313-304
Do	do	RF313-305
Aug. 11, 1989 thru Aug. 18, 1989	Getty Oil Refund Applications Received	RF265-2809 thru RF265-2860
Do	Crude Oil Refund Applications Received	RF272-75590 thru RF272-75599
Do	Atlantic Richfield Refund Applications Received	RF304-1.120 thru RF304-10221
Do	Shell Oil Refund Applications Received	RF315-6800 thru RF315-6862

[FR Doc. 89-21982 Filed 9-15-89; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00282; FRL-3647-3]

State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committee on Ground Water Protection and Pesticide Disposal; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committee on Ground Water Protection and Pesticide Disposal will hold a two-day meeting, beginning on September 25, 1989 and ending on September 26, 1989. This notice announces the location and times for the meeting and sets forth tentative agenda items. The meeting is open to the public.

DATE: The SFIREG Working Committee will meet on Monday, September 25, 1989 from 8:30 a.m. to 5:00 p.m. and on Tuesday, September 26, 1989 beginning at 8:30 a.m. and adjourning at approximately noon.

ADDRESS: The meeting will be held at: Hyatt Regency—Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202, (703) 486-1234.

FOR FURTHER INFORMATION CONTACT:

By mail: Arty Williams, Office of Pesticide Programs (H7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 1007, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557-5077.

SUPPLEMENTARY INFORMATION: The tentative agenda includes the following:

1. Ground water survey status report.
2. Agricultural chemicals strategy.
3. Ground water state management plans.
4. Ground water data elements.
5. Status of USDA activities in relation to ground water.
6. Ground water activities in Mississippi and Illinois.
7. Status of ground water restricted use rule development.
8. Status report on work groups to address disposal, container design, recall of pesticides and household pesticide waste issues.
9. Other topics as appropriate.

Dated: September 7, 1989.

Susan H. Wayland,

Acting Director, Office of Pesticide Programs.

[FR Doc. 89-21966 Filed 9-15-89; 8:45am]

BILLING CODE 6560-50-M

[OPTS-62077; FRL-3647-5]

Asbestos-Containing Materials in Schools; Deadlines for Accreditation of Certain Laboratories

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deadlines.

SUMMARY: Polarized light microscopy (PLM) laboratories currently maintaining EPA Interim Accreditation awarded in the EPA Interim Asbestos Bulk Sample Analysis Quality Assurance Program must receive National Institute of Standards and Technology (NIST) accreditation by October 30, 1989. PLM laboratories not accredited by NIST by October 30, 1989, will lose EPA interim accreditation. Transmission electron microscopy (TEM) laboratories analyzing school air samples for asbestos must receive NIST accreditation by July 30, 1990.

DATES: PLM laboratories must be accredited by NIST by October 30, 1989. TEM laboratories must be accredited by NIST by July 30, 1990.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-545, 401 M Street SW., Washington, DC 20460, (202-554-1404); TDD: (202-554-0551).

SUPPLEMENTARY INFORMATION: On October 30, 1987, EPA issued a final rulemaking for the control of asbestos-containing building materials in schools (40 CFR part 763). The regulation requires schools to employ laboratories accredited in the NIST National Voluntary Laboratory Accreditation Program (NVLAP). Two types of asbestos analysis laboratories must be accredited by NIST to analyze school samples, PLM and TEM laboratories.

The NIST NVLAP for PLM laboratories is now accrediting laboratories. NIST will begin a laboratory testing and assessment program for TEM laboratories in October 1989.

Prior to NIST accreditation of PLM laboratories, EPA conducted the Interim Asbestos Bulk Sample Analysis Quality Assurance Program. This program provided a source of accredited laboratories until NIST accredited laboratories were available.

PLM laboratories accredited in the April 1988 round of testing received EPA interim accreditation until January 12, 1989. However, NIST did not begin to accredit laboratories until April 1989. Therefore, to provide a source of accredited laboratories after January 12, 1989, EPA developed a process for extending interim accreditation. Under this process a laboratory received an extension if it had fully applied to NIST by September 30, 1988, and NIST had not yet completed its evaluation. EPA interim accreditation was revoked, however, if the laboratory failed NIST proficiency testing and/or on-site assessment. For a more complete discussion of the extension program, see the **Federal Register** of March 31, 1988 (53 FR 10151).

While NIST has accredited approximately 500 laboratories to date, a few are still operating under extended EPA interim accreditation. All of these extensions, however, will expire on October 30, 1989. This expiration date allows a reasonable time for NIST to complete its evaluations of these laboratories. Schools and laboratories should understand that after October 30, 1989, only NIST accredited laboratories may analyze school bulk samples.

EPA also requires schools to employ TEM laboratories accredited by NIST to analyze air samples. Since NIST has not yet accredited TEM laboratories, EPA has allowed schools to employ laboratories utilizing the TEM method contained in Appendix A to subpart E of 40 CFR part 763 until NIST has accredited TEM laboratories. The NIST TEM NVLAP will begin evaluation of enrolled laboratories in October 1989. TEM laboratories must successfully participate in the NIST TEM NVLAP and receive accreditation by July 30, 1990. Schools and laboratories should note that TEM laboratories not accredited by NIST by July 30, 1990, will not be permitted to conduct TEM clearance sample analysis for schools.

Dated: September 6, 1989.

John W. Melone,

Acting Director, Office of Toxic Substances.

[FR Doc. 89-21965 Filed 9-15-89; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-44537; FRL 3646-9]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of test data on anthraquinone (CAS No. 84-65-1), and tetrabromobisphenol A (TBBPA) (CAS No. 79-94-7) submitted pursuant to the requirements of test rules promulgated under the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires that EPA publish in the **Federal Register**, a notice of test data received, within 15 days of their receipt.

I. Test Data Submissions

Required test data for anthraquinone was submitted by Mobay Corporation pursuant to a test rule at 40 CFR 799.500. The August 22, 1989 submission describes the toxicity of sediment-sorbed anthraquinone to chironomids under flow-through conditions.

Required test data for TBBPA was submitted by the Great Lakes Chemical Corporation pursuant to a test rule at 40 CFR 799.4000. The August 17, 1989 submission describes the chronic toxicity of TBBPA to daphnia under flow-through conditions. The August 22, 1989 submission describes the toxicity of TBBPA to early life stages of fathead minnow.

Additional required data for TBBPA under this rule were submitted by Springborn Laboratories, Inc., on behalf of the Brominated Flame Retardant Industry Panel. The August 22, 1989 submission describes the subchronic toxicity of sediment-sorbed TBBPA to chironomids under flow-through conditions. The August 25, 1989 submission describes the determination of biodegradability of TBBPA in a sediment/soil microbial system.

EPA has initiated its review and evaluation process for these data submissions. At this time the Agency is unable to provide any determination as to the completeness of the above submissions.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPTS-44537). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

Dated: September 7, 1989.

Charles M. Auer,

Acting Director, Existing Chemical Assessment Division, Office of Toxic Substances.

[FR Doc. 89-21916 Filed 9-15-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Banco De Venezuela, S.A.I.C.A., et al.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 5, 1989.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Banco de Venezuela, S.A.I.C.A.*, Caracas, Venezuela; The P.A.B. Trust, Jersey, Channel Islands; P.A.B. Holdings Limited, Jersey, Channel Islands; and P.A.B. Holdings USA, Inc., New York, New York; to become bank holding companies by acquiring 100 percent of the voting shares of The Park Avenue Bank, N.A., New York, New York.

Board of Governors of the Federal Reserve System, September 12, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-21922 Filed 9-15-89; 8:45 am]

BILLING CODE 6210-01-M

CB&T Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 6, 1989.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *CB&T Bancshares, Inc.*, Columbus, Georgia, and TB&C Bancshares, Inc., Columbus, Georgia; to acquire 100 percent of the voting shares of Bank of Pensacola, Pensacola, Florida.

2. *Citizens National Corporation*, Naples, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens National Bank of Naples, Naples, Florida.

3. *SouthTrust Corporation*, Birmingham, Alabama, and SouthTrust of Florida, Inc., St. Petersburg, Florida; to acquire 100 percent of the voting shares of SouthTrust Bank of Orlando, Orlando, Florida, a *de novo* bank.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Bancroft State Bancshares, Inc.*, Bancroft, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Bancroft State Bank, Bancroft, Wisconsin.

2. *Manning Financial Services, Inc.*, Manning, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Manning, Manning, Iowa.

3. *Premier Financial Group, Inc.*, Council Bluffs, Iowa, formerly named Western Iowa Consultants, Inc.; to acquire 37.3 percent of the voting shares of Manning Financial Services, Inc., Manning, Iowa, and thereby indirectly acquire The First National Bank of Manning, Manning, Iowa.

C. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *The Union of Arkansas Corporation*, Little Rock, Arkansas; to acquire 100 percent of the voting shares of Financial Properties, Inc., Jacksonville, Arkansas, and thereby indirectly acquire First National Bank of Jacksonville, Jacksonville, Arkansas.

D. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Spearman Bancshares, Inc.*, Spearman, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank, Spearman, Texas.

Board of Governors of the Federal Reserve System, September 12, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-21923 Filed 9-15-89; 8:45 am]

BILLING CODE 6210-01-M

Citicorp; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may

express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 6, 1989.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York; to engage de novo through an office in Tokyo, Japan, in acting as a futures commission merchant for non-affiliated persons in the execution and clearance on the Tokyo Financial Futures Exchange of futures contracts and options on futures contracts for bullion, foreign exchange, government securities, certificates of deposit, and other money market instruments pursuant to § 225.25(b)(18); and providing investment and financial advice as a futures commission merchant solely with respect to futures contracts and options for futures contracts for bullion, foreign exchange, government securities, certificates of deposit and other money market instruments on the Tokyo Financial Exchange pursuant to § 225.25(b)(19) of the Board's Regulation Y. These activities will be conducted on a worldwide basis.

Board of Governors of the Federal Reserve System, September 12, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-21924 Filed 9-15-89; 8:45 am]

BILLING CODE 6210-01-M

First Busey Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 255.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 255.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 6, 1989.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Busey Corporation*, Urbana, Illinois; to acquire MRCG, Inc., d/b/a/ The Marcom Group, Champaign, Illinois, and thereby engage in marketing/ advertising/public relations consulting pursuant to § 255.25(b)(11) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 12, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-21925 Filed 9-15-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

National Institute for Occupational Safety and Health; Request for Comments and Secondary Data on the Analysis of Workplace Air for Diesel Exhaust Particulates

AGENCY: Natonal Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), Public Health Service (PHS), Department of Health and Human Services (HHS).

ACTION: Nation of request for comments and secondary data.

SUMMARY: In response to the need to monitor worker exposure to emissions from diesel-powered equipment, NIOSH is requesting comments and secondary data from all interested parties concerning that analysis of workplace air for diesel exhaust particulates. Of interest are methods which have been used for analyzing air for diesel exhaust particulates and for substances serving as surrogates for diesel exhaust particulates. Interested parties are encouraged to submit the procedures for such air sampling methods and the results of research evaluating the methods. In addition, the composition, chemistry, and physical characteristics of diesel exhaust particulates are of interest. NIOSH will use this information for guidance in developing a method for analyzing air for diesel exhaust particulates.

DATES: Comments and secondary data concerning this notice should be submitted by October 18, 1989.

ADDRESSES: Please submit any information, recommendations, suggestions, and comments in writing to: Dr. Richard W. Niemeier, Acting Director, Division of Standards Development and Technology Transfer, NIOSH, 4676 Columbia Parkway, C-14, Cincinnati, Ohio 45226.

FOR FURTHER INFORMATION CONTACT: Dr. M. Eileen Birch, Division of Physical Sciences and Engineering, NIOSH, 4676 Columbia Parkway, R-7, Cincinnati, Ohio 45226, (513) 841-4241, or FTS 684-4241.

SUPPLEMENTARY INFORMATION: Under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*) and the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801, *et seq.*), NIOSH is directed to develop recommendations for improving occupational safety and health standards. In the Curent Intelligence Bulletin 50, Carcinogenic

Effects of Exposure to Diesel Exhaust (August 1988), NIOSH concluded that whole diesel exhaust is a potential occupational carcinogen and recommended that employers reduce exposures to the lowest feasible limits. The majority of investigators studying the effects of whole diesel exhaust have selected diesel exhasut particulates as a measure of exposure. Adequate control of worker exposure to airborne diesel exhaust particulates requires valid data on the concentration of the particulates in the air which the workers breathe. In addition, such valid data are needed to estimate the extent of exposure used for developing quantitative risk estimates for workers exposed to diesel exhaust particulates. NIOSH currently is conducting research to develop and evaluate a method for analyzing air for diesel exhaust particulates.

NIOSH is interested in obtaining existing and secondary information related to the analysis of air for diesel exhaust particulates, including the following:

1. Methods for analyzing the air for diesel exhaust particulates and for substances serving as surrogates for diesel exhaust particulates. All steps of such methods, including air sampling, are of interest.

2. Results of research evaluations of such methods.

3. The composition, chemistry, and physical characteristics of diesel exhaust particulates.

All information received in response to this notice, except that designated as trade secret and protected by section 15 of the Occupational Safety and Health Act, or personal identifying information contained in medical case reports or data, will be available for public examination and copying at the above address.

Dated: September 12, 1989.

J. Brian Dugan,

Acting Director, National Institute for Occupational Safety and Health

[FR Doc. 89-21911 Filed 9-15-89; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

Cardiovascular and Renal Drugs Advisory Committee

Date, time, and place. October 5 and 6, 1989, 9 a.m. National Institutes of Health, Clinical Center, Bldg. 10, Jack Masur Auditorium, 9000 Rockville Pike, Bethesda, MD. Parking the Clinical Center visitor area is reserved for Clinical Center patients and their visitors. If you must drive, please use an outlying lot such as Lot 41B. Free shuttle bus service is provided from Lot 41B to the Clinical Center every 8 minutes during rush hour and every 15 minutes at other times.

Type of meeting and contact person. Open public hearing, October 5, 1989, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; open committee discussion, October 6, 1989, 9 a.m. to 6 p.m.; Joan C. Standaert, Center for Drug Evaluation and Research (HFD-110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4730 or 419-259-6211.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drugs intended to treat cardiovascular disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 21, 1989, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On October 5, 1989, the committee will discuss antiarrhythmic guidelines. On October 6, 1989, the committee will discuss a new drug application (NDA) for Tambocor (flecainide) (NDA 18-830), Riker Laboratories, indicated for supraventricular tachycardia and aspirin for prevention of myocardial infarction. The committee discussion and conclusions regarding aspirin may be considered by the agency in its preparation of an amendment to a tentative final monograph on over-the-counter (OTC) internal analgesic drugs. Such a monograph is being developed as part of the OTC Drug Review proceedings on OTC internal analgesic, antipyretic, and antirheumatic drug products. The tentative final monograph to these products was published in the **Federal Register** of November 16, 1988 (53 FR 46204).

Endrocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. October 12 and 13, 1989, 9 a.m., Crowne Plaza Hotel, 17509 Rockville Pike, Rockville, MD.

Type of meeting and contact person. Open public hearing, October 12, 1989, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, October 13, 1989, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 3 p.m.; John R. Short, Center for Drug Evaluation and Research (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857 301-443-3510.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drugs for use in endocrine and metabolic disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person.

Open committee discussion. The committee will discuss: (1) The effectiveness of sodium fluoride in the treatment of osteoporosis, and (2) the safety and effectiveness of Calstat (gallium nitrate hydrate (I.V. Infusion for the treatment of hypercalcemia due to malignancy.

Fertility and Maternal Health Drugs Advisory Committee

Date, time, and place. October 26 and 27, 1989, 9 a.m., Conference Rms. D and E. Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, October 26, 1989, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, October 27, 1989, 9 am. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 4 p.m.; Philip A. Corfman, Center for Drug Evaluation and Research (HFD-510), Food and Drug Administration, 5600

Fishers Lane, Rockville, MD 20857, 301–443–3510.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drugs for use in the control of fertility and women's health.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before October 12, 1989, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On October 26, 1989, the committee will discuss the proposition that the upper age limits currently observed for the use of oral contraceptives should be either eliminated or raised. On October 27, 1989, the committee will discuss the new drug application for the use of leuprolide in the treatment of leiomyomata uteri.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as its practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting. Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, Rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: September 11, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89–21871 Filed 9–15–89; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 88D–0243]

Guidance Document for Class III Contact Lenses April 1989; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the "Guidance Document for Class III Contact Lenses April 1989" prepared by FDA's Center for Devices and Radiological Health. The document provides final guidance to the contact lenses industry for evaluating the safety and effectiveness of Class III contact lenses.

ADDRESSES: Submit written requests for single copies of the "Guidance Document for Class III Contact Lenses April 1989" to the Division of Small Manufacturers Assistance, Center for Devices and Radiological Health (HFZ–220), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 800–638–2041, calls from within MD, 301–443–6597. Send two self-addressed adhesive labels to assist that office in processing your requests. Submit written comments on the "Guidance Document for Class III Contact Lenses April 1989" to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document. A copy of the "Guidance Document for Class III Contact Lenses April 1989" and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301–427–1080.

SUPPLEMENTARY INFORMATION: The final guidance document being made available is intended to provide comprehensive directions to enable a manufacturer of a contact lens to conduct an adequate battery of preclinical tests to ensure that patients are not placed at undue risk in a clinical trial, and to enable a manufacturer to conduct a clinical trial that will adequately demonstrate whether a lens is safe and effective for its intended use.

The draft version of this guidance document was made available by the notice published for public comment in the **Federal Register** of August 30, 1988 (53 FR 33183). FDA received several

detailed comments and evaluations of the draft guidance document. Comments were reviewed and discussed at an open public hearing of the Ophthalmic Devices Panel on January 26, 1989. The transcript is on file at the Dockets Management Branch (address above).

The agency concludes that the guidance document reflects acceptable practices and procedures for the preparation of scientific and regulatory guidance for the submission of investigational device exemption applications and premarket approval applications for Class III contact lenses. The guidance document is being made available under 21 CFR 10.90(b). That section provides for use of guidelines to establish principles or practices of general applicability that are not legal requirements but are acceptable to the agency. A person may also choose to perform alternate procedures even though they are not provided for in the guidance document. A person who chooses to do so may discuss the matter further with the agency to prevent expenditure of money and effort on an alternate procedure that the agency may later determine to be unacceptable.

Dated: September 11, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-21872 Filed 9-15-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 89N-0303]

International Drug Scheduling; Convention on Psychotropic Substances; Certain Benzodiazepine Drugs; Propylhexedrine

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its receipt of a notification from the Secretary General of the United Nations. The notification requests interested persons to submit data or comments concerning abuse potential, actual abuse, medical usefulness, and trafficking of 38 various drug substances.

DATES: Written comments by October 18, 1989.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nicholas P. Reuter, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION:

I. Background

The United States is a party to the 1971 Convention on Psychotropic Substances (the Convention). The Controlled Substances Act, 21 U.S.C. 811, provides that when the Secretary General of the United Nations notifies the United States pursuant to Article 2 of the Convention that the World Health Organization (WHO) has information which may justify adding a drug or other substance to one of the schedules of the Convention, transferring a drug or substance from one schedule to another, or deleting it from the schedules, the Secretary of State shall transmit the notice to the Secretary of Health and Human Services (HHS). The Secretary of HHS shall then publish the notice in the **Federal Register** and provide opportunity to interested persons to submit comments to assist HHS in preparing scientific and medical evaluations respecting the drug or substance. As discussed below, HHS has received such a notification from the Secretary General of the United Nations.

II. Notification

The Secretary of HHS received the following notice from the Secretary General of the United Nations:

Reference: NAR/CL.10/1989
DND 411.1(2) HOW/ECDD 27

The Secretary-General of the United Nations presents his compliments to the Secretary of State of the United States of America and has the honour to draw attention to a request from the Director-General of the World Health Organization for assistance in obtaining data on the following thirty-four substances:

Benzodiazepines

1. Alprazolam
2. Bromazepam
3. Camazepam
4. Chlordiazepoxide
5. Clobazam
6. Clonazepam
7. Clorazepate
8. Clotiazepate
9. Cloxazolam
10. Delorazepam
11. Diazepam
12. Estazolam
13. Ethyl loflazepate
14. Fludiazepam
15. Flunitrazepam
16. Flurazepam
17. Halazepam
18. Haloxazolam
19. Ketazolam
20. Loprazolam
21. Lorazepam
22. Lormetazepam
23. Medazepam
24. Nimetazepam
25. Nitrazepam
26. Nordazepam
27. Oxazepam
28. Oxazolam
29. Pinazepam
30. Prazepam
31. Temazepam
32. Tetrazepam
33. Triazolam
34. *Propylhexedrine*

The WHO 27th Expert Committee on Drug Dependence (ECDD), to be convened in April 1990, will examine the thirty-four substances listed above to determine if any proposals should be made concerning their descheduling or rescheduling under the provisions of the existing international drug control treaties. At present, all 34 substances are listed in Schedule IV of the 1971 Convention on Psychotropic Substances.

Under the new review procedures adopted by WHO, the ECDD is responsible for making scheduling recommendations to the Director-General of WHO. In this connection, it would be appreciated if the Government would submit data on any of the thirty-four substances. It would greatly assist the Secretary-General if such data were submitted on a substance-by-substance basis following the outline contained in the questionnaire attached to the present note as an annex.

Attention is drawn to the fact that by notes NAR/CL.10/1986 of 17 November 1986, and NAR/CL.6/1987 of 13 May 1987, the Secretary-General requested information on prophylhexedrine. If the Government has already replied to those requests, any additional up-dated information on the substances would be useful.

In view of the fact that data provided by Governments will be used by WHO in the preparation of a report on this subject for a WHO review group which will meet well in advance of the 27th ECDD, it would be very much appreciated if information could be transmitted to the Secretary-General at the Government's earliest convenience and preferably before 31 July 1989. Replies should be addressed to the attention of the Director of the Division of Narcotic Drugs, Vienna International Centre, P.O. Box 500, A-1400 Vienna, Austria.

9 June 1989
NAR/CL.10/1989
Annex

United Nations Division of Narcotic Drugs

Vienna International Centre, A-1400 Vienna, Austria

Questionnaire for data collection for use by the World Health Organization and the Commission on Narcotic Drugs of the Economic and Social Council

Substance Reported on

1. Does the substance have any licit medical, veterinary, scientific or commercial use in the reporting country? If so, please describe in general terms the extent of such use.

2. Are any control measures applied to the substance at the national level? If so, please describe briefly.

3. Please describe the extent of any known abuse of the substance in the reporting country, including the degree of seriousness of the public health and social problems [1] associated with abuse of the substance.

4. Please give data or any known or presumed illicit traffic in the substance, including the number of seizures of the substance and the quantities involved, as well as the existence of any clandestine laboratories manufacturing the substance.

III. Additional Communications from the United Nations

FDA has discussed the June 9, 1989, notification with representatives from the United Nations Commission on Narcotic Drugs (UN–CND). The UN–CND, after discussion with WHO, clarified three items in the June 9, 1989, notification.

1. The 27th ECDD will not meet in April 1990. Instead the 27th ECDD will convene during September 1990.

2. The Secretary-General of the United Nations will accept information on substances to be considered by the 27th ECDD until December 15, 1989. The June 9, 1989, notification had set July 31, 1989, as a deadline for transmitting information.

3. In accordance with the recommendations from the 26th ECDD, four additional benzodiazepine substances will be included in the review and presented before the 27th ECDD. These four substances are: brotizolam, etizolam, midazolam, and quazepam. The Secretary-General of the United Nations will distribute a separate notification in the future that will request information on these four substances. When received, the notification will be announced in the **Federal Register** in accordance with 21 U.S.C. 811(d)(2)(A) of the Controlled Substances Act.

Based on the above, FDA is prepared to accept and transmit information on all 38 substances.

IV. Opportunity to Submit Domestic Information

As required by 21 U.S.C. 811(d)(2)(A), FDA, on behalf of HHS, invites interested persons to submit data or comments regarding the above-named 38 drugs. Data and information received in response to this notice will be used to prepare scientific and medical evaluations respecting these drugs, with a particular focus on each drug's abuse liability. HHS will forward that information to WHO, through the Secretary of State, for WHO's consideration in preparing a report for presentation to a WHO review group, which will evaluate the need to modify the existing international control of these drugs. Such control could affect, among other things, the manufacture and distribution (import/export) of these drugs, and could also affect the extent of certain recordkeeping requirements.

HHS will not now make any recommendations to WHO regarding whether any of these drugs should be subjected to international controls. Instead, HHS will defer such consideration until WHO has made official recommendations to the Commission on Narcotic Drugs, which recommendations are expected to be made in the second half of 1990. Any HHS position regarding international control of these drugs will be preceded by another **Federal Register** notice soliciting public comment as required by 21 U.S.C. 811(d)(2)(B).

Interested persons may, on or before October 18, 1989, submit to the Dockets Management Branch (address above) written comments regarding this action. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 11, 1989.

Ronald G. Chesemore,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89–21948 Filed 9–15–89; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 88N–0335]

Norden Laboratories, Inc.; Drugs Containing Sulfamethazine, Sulfaquinoxaline, Sulfamerazine, Sulfathiazole, Sulfapyridine, or Sulfanilamide for Oral, Injectable, Intramammary, or Intrauterine Use in Food-Producing Animals; Refusal To Approve NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Center for Veterinary Medicine (CVM), is issuing a final order refusing approval of new animal drug application (NADA) 99–987, submitted by Norden Laboratories, Inc., 601 West Cornhusker Highway, Lincoln, NE 68521. The application covers use of sulkamycin-S Bolettes, containing sulfamethazine and neomycin. This action is being taken following the firm's withdrawal of its hearing request.

NADA 99–987 was listed in a notice of opportunity for a hearing (NOOH), published in the **Federal Register** of November 15, 1988 (53 FR 46050), on a proposal by CVM to refuse approval of certain NADA's containing sulfamethazine, sulfaquinoxaline, sulfamerazine, sulfathiazole, sulfapyridine, or sulfanilamide for oral, injectable, intramammary, or intrauterine use in food-producing animals. Norden requested a hearing prior to the December 15, 1988, deadline set by the NOOH, and submitted information allegedly supporting its request by February 13, 1989. The firm subsequently withdrew the request for a hearing by letter dated June 19, 1989.

DATES: The refusal to approve this NADA is effective September 18, 1989, distribution to the product by Norden Laboratories, Inc., must cease November 17, 1989.

FOR FURTHER INFORMATION CONTACT: Philip J. Frappaolo, Center for Veterinary Medicine (HFV–240), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4940.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 15, 1988 (53 FR 46050), (corrected December 12, 1988 (53 FR 49968), December 23, 1988 (53 FR 51950), and February 2, 1989 (54 FR 5303)), CVM provided an NOOH on its proposal to refuse approval of 142 listed pending NADA's sponsored by 11 firms for products covered by § 510.450 (21 CFR 510.450). Section 510.450 provides for interim marketing of drugs that contain sulfamethazine, sulfaquinoxaline, sulfamerazine, sulfathiazole, sulfapyridine, or sulfanilamide for oral, injectable, intramammary, or intrauterine use in food-producing animals and that are the subject of pending NADA's. The NOOH gave sponsors until December 15, 1988, to request a hearing on the proposed refusal. the NOOH also required the sponsors to submit by February 13, 1989, the data, information, and analyses relied on to justify a hearing, as specified in § 514.200 (21 CFR 514.200). (Corrections, cited above, to the November 15, 1988, notice required the submission of such data, information, and analyses by January 17, 1989;

[1] Examples of public health and social problems are acute intoxication, accidents, work absenteeism, mortality, behaviour problems, criminality, etc. For a thorough examination of the question please refer to the WHO publication entitled "Assessment of Public Health and Social Problems Associated with the Use of Psychotropic Drugs" (No. 656 in the WHO Technical Report Series) and chapter 7 of the WHO publication entitled "Guidelines for the Control of Narcotic and Psychotropic Substances".

however, due to confusion over the deadline for such material, CVM notified all persons who had requested a hearing by December 15, 1988, that the deadline for the required data, information, and analyses was February 13, 1989.)

Additionally, the NOOH provided that the failure of a sponsor to submit any data, information, or analysis in support of its hearing request, including the failure of a sponsor to file a timely written appearance and a request for hearing as required by § 514.200, would constitute an election by the sponsor not to avail itself of the opportunity for hearing. In such a situation, the NOOH continued, CVM would summarily enter a final order refusing approval of the application.

Norden filed a timely request for a hearing and submitted information regarding NADA 99-987 by February 13, 1989, as required by the NOOH. Norden also filed a supplement to NADA 99-987 that provided for use of a bolus containing sulfamethazine alone, rather than the sulfamethazine and neomycin combination in NADA 99-987. The supplement was assigned NADA 140-909, and was approved by a final rule published in the **Federal Register** on April 19, 1989 (54 FR 15751). By letter dated June 19, 1989, Norden revoked its prior request for a hearing on NADA 99-987, thus waiving the opportunity for a hearing.

Therefore, pursuant to section 512(d)(1) of the Federal Food, Drug, and Cosmetic Act, and § 514.200, CVM is issuing this final order refusing approval of NADA 99-987, (Sulkamycin-S Bolettes containing sulfamethazine and neomycin), effective September 18, 1989 and, because the NADA is no longer pending, the products may no longer be marketed under § 510.450. To help facilitate an orderly transition to the use of approved new animal drugs, however, distribution of the product by Norden is not required to cease until November 17, 1989.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 512 (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary medicine (21 CFR 5.84).

Dated: September 12, 1989.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 89-21949 Filed 9-15-89; 8:45 am]

BILLING CODE 4160-01-M

Office of Human Development Services

Child Abuse and Neglect Prevention and Treatment; Proposed Research and Demonstration Priorities for Fiscal Year 1990

AGENCY: Office of Human Development Services (OHDS), HHS.

ACTION: Notice of Proposed Fiscal Year 1990 Child Abuse and Neglect Research and Demonstration Priorities for the Office of Human Development Services, (OHDS) the Administration for Children, Youth and Families (ACYF).

SUMMARY: This notice identifies proposed priorities for research programs related to the causes, prevention, identification and treatment of child abuse and neglect and for demonstration or service programs and projects designed to prevent, identify and treat child abuse and neglect. Comments on these priorities and suggestions for other topics are invited. The actual solicitation of grant applications will be published separately, at a later date, in the **Federal Register**. No proposals, concept papers or other forms of application should be submitted at this time.

Section 6(a)2(B) of the Child Abuse Prevention and Treatment Act of 1988 requires the Department to publish proposed priorities for research and demonstration activities for the purpose of soliciting comments from the public, including individuals knowledgeable in the field of prevention and treatment of child abuse and neglect. Final priorities will reflect consideration of recommendations received from the field in response to this notice.

DATE: In order to be considered, comments must be received no later than November 17, 1989.

ADDRESS: Comments should be sent to: Wade F. Horn, Ph.D., Commissioner, Administration for Children, Youth and Families, Attention: National Center on Child Abuse and Neglect, P.O. Box 1182, Washington, DC 20013.

SUPPLEMENTARY INFORMATION:

I. Background

The National Center on Child Abuse and Neglect (NCCAN or the National Center) is located in the Children's Bureau within the Administration for Children, Youth and Families of the Office of Human Development Services.

The National Center conducts activities designed to assist and enhance national, State and community efforts to prevent, identify and treat child abuse and neglect. These activities include: conducting research and demonstrations; supporting service improvement projects; gathering, analyzing and disseminating information through a national clearinghouse; providing grants to eligible States for strengthening and improving child protective service programs; and coordinating Federal activities related to child abuse and neglect through a legislatively mandated Advisory Board on Child Abuse and Neglect composed of individuals actively working in the field of child abuse and neglect, and an Inter-Agency Task Force on Child Abuse and Neglect composed of representatives from Federal agencies.

Pursuant to section 6(a)2(B) of the Child Abuse Prevention and Treatment Act (the Act), as amended by the Child Abuse Prevention, Adoption and Family Services Act of 1988 (Pub.L. 100-294), this notice identifies proposed priorities for research on the causes, prevention, identification and treatment of child abuse and neglect and for demonstration or service programs and projects designed to prevent, identify, and treat child abuse and neglect. The demonstration and service projects include priorities for training, innovative programs and other projects which show promise for addressing issues related to child maltreatment. Final research and demonstration priorities will take into consideration public comments and will be published as a **Federal Register** announcement soliciting grant proposals.

In addition to projects funded under priority areas selected as a result of this announcement, NCCAN intends to continue funding for and support of:

- The Clearinghouse on Child Abuse and Neglect Information.
- Planning the establishment of a national data collection and analysis program for collecting data from official State reports on child abuse and neglect as required by section 6(b) of Public Law 100-294.

II. Recent Research and Demonstration Topics

Recently funded research and demonstration projects supported by NCCAN in fiscal years 1988 and 1989 have addressed the following topics:

NCCAN Priority Areas Funded in FY 1988

Research Projects

- Assessing the Impact of Child Abuse and Neglect on Victims
- Effectiveness of Child Abuse and Neglect Prevention Programs

- Impact of Investigations on Families where Child Abuse and Neglect was Not Substantiated
- Relationship Between Child Abuse and Teenage Pregnancy
- Field Initiated Research on Child Abuse and Neglect

Demonstration Projects

- Advocates for Children in Criminal Court Proceedings
- Prevention of Serious or Fatal Maltreatment
- Minority Organizations Assisting in Combating Child Abuse and Neglect
- Public/Private Partnerships to Combat Child Abuse and Neglect
- Child Abuse and Neglect Interdisciplinary Training
- Diagnosing and Treating Chronic Neglect

NCCAN Priority Areas For FY 1989

Research Projects

- Family Functioning of Neglectful Families
- Community-Based Prevention of Child Maltreatment
- Prosecution of Child Maltreatment Cases
- Judicial Review Process
- Impact of Treatment Approaches for Intrafamilial Child Sexual Abuse
- Status of Measurement Development in the Study of Child Abuse and Neglect
- Field Initiated Research on Child Abuse and Neglect
- Consortium for Longitudinal Studies of Child Maltreatment

Demonstration Projects

- Utilizing Results of Demonstration Grant Clusters
- Adaptation of Child Sexual Abuse Training Curricula for Demonstration with Native American Populations
- Parents' Self-help Groups
- Prevention of Physical Child Abuse and Neglect

III. Proposed Child Abuse and Neglect Research and Demonstration Priorities for FY 1990

OHDS solicits comments and suggestions concerning each of the proposed priorities for FY 1990 as described below. We also solicit suggestions for topics not covered in this announcement, but which are timely and relate to specific needs in the field of child abuse and neglect. Any suggestions of new topics should keep in mind the issues already being addressed in current projects, as listed above. Comments should also build on the current base of knowledge in child abuse and neglect and its prevention, identification and treatment. Proposed research and demonstration priorities should lead to improved services for children and families and increase the knowledge in the field. As specified in many of the priority areas, we propose to pay special attention to issues of racial and cultural relevance in the design of studies as well as the development of measures, evaluations and objectives.

A majority of the funds available for discretionary research and demonstration projects in FY 1990 will be made available for a broad range of activities pertaining to prevention of child abuse and neglect.

No acknowledgment will be made of the comments submitted in response to this notice, but all comments received by the deadline will be reviewed and given thoughtful consideration in the preparation of the final funding priorities for child abuse and neglect activities in FY 1990. Copies of the final program announcement will be sent to all persons who comment on these proposed priorities.

A. Proposed Research Priorities

The proposed research priority areas include some areas that were published as proposed areas but not included in the FY 1989 final announcement, and other areas which are either new or revised. These have been developed as the result of information or suggestions received from the field including the National Center on Child Abuse and Neglect Research Grantees Meeting held in March of 1989 and the Research Symposium on Treatment Approaches held in June of 1989. Respondents to this announcement are encouraged to comment on the content of the proposed topics, to suggest appropriate project durations, and to recommend how these issues should be prioritized, since it will not be feasible to include all of these priorities in the FY 1990 solicitation announcement in the **Federal Register.**

1. Joint Police/Child Protective Services Investigations of Reports of Child Maltreatment

The use of police/social worker teams for the investigation of reports of child maltreatment has been identified as an important strategy for the reduction of trauma to the child victims. The National Center is interested in learning how representatives from these two agencies can most effectively work together to improve child and family outcomes.

Research in this area should include a literature review and empirical evaluation of the effectiveness of police/social worker teams on collaboration between police and child protective services agencies, the reduction of trauma to and increased treatment for the child and the family, and the successful prosecution of and treatment for the perpetrator. Questions such as when joint investigations should be utilized and for which types of cases they are most effective should be addressed in this study.

The study should be designed to compare cases in which police/social worker teams are used with matched cases in which single agency investigations are used. Information should be obtained on current and previous use of joint investigative teams, the circumstances under which they have been utilized, the professional composition of the teams, the roles and functions of each member, and the characteristics of the operation of the teams. Examples of questions to be explored about joint investigation include the following:

- Did the use of joint teams reduce the number of interviews with the child?
- Was there a reduction in the length of time required for system decisions about placement, prosecution, or family reunification?
- What are the team and client perceptions of the joint investigation process?
- Are there any administrative or institutional barriers to the use of such teams?
- Do outcomes vary depending on the type of abuse?
- What factors contributed to the most effective strategies for reduction of trauma to the child?

The study should also address the implications of the findings for education and training for police and social work professionals. Moreover, attention should be paid to the knowledge and skills needed in police/social worker teams in order to work with children, families and perpetrators in a sensitive and culturally-appropriate manner. Finally, strategies for dissemination of the findings for use by the various agencies and organizations involved should be detailed.

2. Psychological Sequelae of Child Maltreatment

Recent research supported by NCCAN has identified and tested the relationship between the victim's psychological functioning and child physical abuse, neglect, and sexual maltreatment. Operational definitions and assessment instruments which can be used to describe and evaluate the psychological sequelae of child abuse and neglect have also been developed. In addition, a number of psychological

variables have been hypothesized that exacerbate or ameliorate the psychological impact of child abuse upon the victim. A fuller understanding of these variables, including inherent characteristics of the child victim, will enlighten treatment efforts and other interventions. The National Center, therefore, proposes to include a priority area for research on the psychological sequelae of child maltreatment as well as variables which might predict which children are most in need of long-term psychological treatment.

The National Center will award a number of grants to enable applicants to expand ongoing research projects by including a component to identify and document types of psychological sequelae occurring in conjunction with various forms of child abuse and neglect. The projects are to use existing operational definitions and assessment instruments, rather than develop new definitions and instruments. Applicants should demonstrate the ability to address such areas as:

- Differentiation of patterns of psychological sequelae for different types of child abuse and neglect.
- The relationship between the child's age and the impact of abuse on the child's developmental level and psychological functioning.
- Environmental, familial, and support system factors which reduce or intensify the amount of damage to a child's psychological functioning attributable to maltreatment.
- Parental behaviors that can ameliorate the effects of maltreatment on the victim's psychological functioning.

The studies should also detail strategies for dissemination of findings for use by other researchers and practitioners in the field.

3. Empirical Evaluations of Treatment Approaches with Child Victims of Physical and Sexual Abuse

From its inception NCCAN has supported studies of treatment approaches for child maltreatment, and funded demonstration projects addressing treatment issues and research studies with implications for treatment. The National Center is proposing to build upon research findings and clinical innovations to identify best treatment approaches in order to reduce the long term morbidity associated with child maltreatment. The purpose of this effort is to help treatment providers make better decisions about treatment options for all victims of child maltreatment.

This priority area focuses on treatment approaches for physical and sexual abuse only. Currently underway are a cluster of projects on chronic neglect, and NCCAN believes these data should be studied before developing further efforts for this type of maltreatment.

The participants at the NCCAN sponsored Research Symposium on Treatment Approaches for Child Maltreatment noted that while a great deal of treatment is occurring, little outcome data are available regarding the efficacy of treatment approaches for physical and sexual abuse. There is the need to know which types of treatment work for which types of abuse and for which categories of children. For example, long-term treatment is not recommended for every child while short-term treatment may work for some cases. Family therapy may be appropriate for some children in some situations, while individual therapy may be most applicable in other cases. For some children no therapy may be indicated. Symposium participants also noted the differential efficacy of treatment and long-term effects indicating the need for longitudinal studies.

The National Center proposes to conduct controlled studies of the impact of a particular treatment on a specific problem exhibited by physically abused or sexually abused children. Examples of problem behaviors and symptoms would include aggression exhibited by physically abused children and fear and anxiety exhibited by sexually abused children. The treatment modality to be studied is to be clearly defined and targeted to ameliorate the identified problem. The time course for treatment should be specified.

A literature review is needed. The design should include a two year follow-up. Multiple outcome measures that are culturally relevant and developmentally appropriate should be utilized. Psychometrically sound instruments and multiple sources of information are also needed. The implications of the study findings for replication and practice should be addressed and strategies for dissemination detailed.

4. Field Initiated Research

The National Center is interested in supporting new research initiated by researchers to carry out the legislative responsibilities established for the National Center on Child Abuse and Neglect by the Child Abuse Prevention, Adoption, and Family Services Act of 1988, Public Law 100–294. These responsibilities include the conduct of research on the causes, prevention, identification and treatment of child abuse and neglect, and on appropriate and effective investigative, administrative and judicial procedures in cases of child abuse.

Current issues having widespread impact on the field of child abuse and neglect and on the target population are of primary interest.

All research proposals must include strategies for dissemination of the findings in a manner that will lend them to use by other researchers and by practitioners in the field.

Basic research in the behavioral and social sciences which contributes to theory development or demonstration projects are not within the purview of this priority area. Research on already-existing demonstration projects or clusters of demonstration projects is acceptable.

B. Proposed Demonstration and Service Priorities

In recent years, NCCAN has funded numerous demonstration projects on a wide range of subjects relating to child abuse and neglect. For fiscal year 1990, NCCAN continues to be interested in examining selected topics of interest. The purpose of these proposed demonstration and service priorities is to distill and disseminate project findings and the results of previously funded programs so that the field can have greater access to existing information and resources, and to further the dissemination and utilization of successful approaches to combating child maltreatment.

1. Demonstration and Service Program Priorities for Soliciting Discrete Projects

a. *Synthesis and Utilization of Results of Child as Witness Projects.* The National Center, the Department of Justice, and other organizations have conducted research on different interviewing techniques used with children who have been abused. The goals of such research have been to determine the reliability of children as witnesses and to observe the impact of the witness process on individual children. There is a need to analyze and synthesize existing studies regarding issues related to evidentiary testimony; the use of hearsay exceptions; and the validation of anatomically correct dolls as an interviewing technique, especially for child victims under the age of six.

The findings from projects with similar objectives implemented by the private sector, including foundations, universities and other agencies or organizations, should be included in the synthesis along with those funded by NCCAN and the Department of Justice. A list of projects, including those funded

by NCCAN, can be obtained from the Child Abuse and Neglect Clearinghouse.

The applicant must propose to develop the synthesis in a manner that is appropriate and useful to the needs of various user groups. In addition, the applicant should develop strategies for the dissemination of the report.

b. *Review of Existing Training for Judges to Improve the Civil/Criminal Court Intervention Process in Child Sexual Abuse Cases.* The dynamics involved in child sexual abuse differ from those in other types of child abuse, and there is a growing need for this to be understood by those involved with the problem. This is particularly true for judges who may have to deal with the situation under the possibly conflicting demands of a criminal or civil court system.

It is, therefore, of critical concern for child victims of sexual abuse that judges be able to address complex family issues with sensitivity to the abused child's emotional and physical vulnerability. It is also crucial that judges have knowledge that will enhance their understanding of evidence and the Child Protective Services/Law Enforcement process as it relates specifically to sexual abuse.

The National Center is interested in supporting an effort which will review the existing body of work in the field of child sexual abuse training for judges, and develop strategies for synthesizing this information in a format that will make it useful to the judicial population. Interested applicants may address the civil or criminal court system as it relates to child sexual abuse. Projects should be national (as opposed to State or regional) in scope and will be funded to:

- Review training curricula and models that have been developed and presented to judges.
- Review documentation concerning evaluation and effectiveness of these curricula.
- Identify areas in which existing training curricula and models are effective and useful. Topics should also be identified which are not included in current curricula and models but are needed in order to meet the training needs of judges.
- Recommend strategies for development of additional training curricula on topics that are not presently available. Strategies should also be recommended for the dissemination of information regarding the project and for the delivery of training for appropriate groups and organizations.

Applicants should propose the use of an Advisory group to provide advice and assistance on the implementation of this effort.

c. *Leadership and Resource Development Project for Cultural Responsiveness in Child Abuse and Neglect.* The National Center on Child Abuse and Neglect seeks to encourage and support the delivery of culturally and ethnically relevant child abuse and neglect services to minority children and families through (a) the use of exemplary methods and resources that are sensitive to racial and culturally diverse populations, and (b) the support of a leadership network to participate in decisions for minority children and families involved in child maltreatment. To that end, NCCAN will support one Leadership and Resource Development Project for a four year period.

In addressing these two objectives, applicants must propose priority strategies and activities which, by the end of the grant period, can be utilized by the field in appropriate areas of practice, service delivery systems, national organizations, and professional and educational institutions. The end result desired within the four year period is the selection of key priorities on which to focus, the development of specific achievable objectives for these priorities, and the achievement of demonstrable utilization of the outcomes of these objectives by specified agencies, organizations, individuals or groups.

Particular areas from which applicants should select priority objectives are:

Leadership Development: The project should assist in identifying and developing a group of ethnically and racially diverse individuals and organizations who are supportive of this effort and who are prepared to take an active leadership role in the field of child abuse and neglect at the national, regional and State levels.

Networking: The project should address how to develop and maintain an operational network of racial and ethnic minorities in the field of child abuse and neglect which has the capacity to provide interaction, information sharing, professional development and mutual sharing among network participants at the local level.

Resource Development: The project should address the development of a comprehensive knowledge base; and a strategy for the synthesis, dissemination and utilization of data, research findings, system improvements, program models, training programs and other resources relevant to racial and ethnic cultures as they relate to child abuse and neglect.

Applicants should consider how to work with already existing programs such as the National Clearinghouse on Child Abuse and Neglect Information, the National Resource Centers, key national organizations, the National Advisory Board and Interagency Task Force and other such ongoing efforts in order to achieve its objectives for utilization of its results by the field.

Applicants should also propose the establishment of an Expert Task Force which will meet twice annually to advise the project, the field and NCCAN, as appropriate.

The applicant's proposal should address the four major racial and ethnic minority groups: Black, Hispanic, Native American and Asian and should have a racially and culturally diverse staff which reflects these populations at all levels of the organization.

C. Symposia

In addition to soliciting applications for the above described research and demonstration efforts, during FY 1990 NCCAN will continue to convene symposia with selected experts on subject areas of critical concern to the field of child abuse and neglect. Selection of topics for the symposia will focus on issues on which some research and demonstration efforts have occurred, but for which there is no clear direction for further development.

The purpose of each symposia is to review what is known to the field, but needs further exploration, and to identify areas about which little is known and there is a need for closer examination. The symposia should result in recommendations for multi-year strategies to further explore some topics and to identify new areas for examination. This will be accomplished by bringing together small groups of selected experts who will assess the major issues and identify trends and problems in the field. Substantive reports of publishable quality will be prepared based upon the discussion and findings of the Symposia.

Among the suggested symposia topics which NCCAN proposes to address in FY 1990 are the following:

- The Effectiveness of Intervention and Treatment by Child Protective Services.
- Prevention of Child Abuse and Neglect.
- Drug exposed and drug affected children and families (as a part of a larger Children's Bureau symposium).

D. Ninth National Conference on Child Abuse and Neglect

The Ninth National Conference on Child Abuse and Neglect is scheduled to be held in FY 1992. Past conferences have lasted approximately three days and have consisted of plenary and workshop sessions organized around major policy, research and program themes. Approximately 2,000–3,000 persons, representing a broad spectrum of professionals and volunteers, have attended.

Central to the success of each conference has been the organization and development of the conference at the local site. The conferences have been planned by local organizations or agencies in cooperation with NCCAN, as well as with input from national organizations in the fields related to serving children. Both the public and private sectors have been involved in the effort. The eighth National Conference is being held in Salt Lake City, Utah. Past national conferences have been held in Anaheim, California (a special conference on child victimization); Chicago, Illinois; Baltimore, Maryland; Milwaukee, Wisconsin; Los Angeles, California; New York, New York; Houston, Texas; and Atlanta, Georgia.

The National Center is interested in proposals from local organizations or agencies which can demonstrate their interest and capacity to work with NCCAN to support a coordinated effort for holding the Ninth National Conference. Eligible applicants must be organizations or agencies with demonstrated leadership in the field of child abuse and neglect.

The applicant's proposal should address the following areas:

- Organization and management plans to develop the conference.
- Identification and involvement of agencies, organizations and individuals willing to participate in the planning and implementation of the conference, both within the State and nationally.
- Contributions that can be expected by participating sponsors and organizations in regard to funds, space, personnel, time and other administrative costs.
- Proposed satellite events and activities (both educational and social) to be held in conjunction with the National Conference.
- Hotel and conference/meeting space available in the proposed location and prices and quality of facilities.

(Catalog of Federal Domestic Assistance Program Number 13.670, Child Abuse and Neglect Prevention and Treatment.)

Dated: September 11, 1989.

Wade F. Horn,

Commissioner, Administration for Children, Youth and Families.

Approved: September 11, 1989.

Mary Sheila Gall,

Assistant Secretary for Human Development Services.

[FR Doc. 89–21900 Filed 9–15–89; 8:45 am]
BILLING CODE 4130–01–M

[Program Announcement No. 13631–89–4]

Developmental Disabilities: Request for Public Comment on Proposed Developmental Disabilities Priorities for Projects of National Significance for Fiscal Year 1990

AGENCY: Administration on Developmental Disabilities (ADD), Office of Human Development Services (HDS), HHS.

ACTION: Notice of request for public comment on proposed developmental disabilities priorities for projects of national significance for Fiscal Year 1990.

SUMMARY: The Administration on Developmental Disabilities, Office of Human Development Services, announces that public comments are being requested on proposed demonstration priorities for Fiscal Year 1990 Projects of National Significance.

We welcome specific comments and suggestions on these proposed priority areas as well as recommendations for additional priority areas which will assist in bringing about the independence, productivity, and integration in the community of persons with developmental disabilities.

DATE: Closing date for receipt of public comments is: November 17, 1989. Comments received after this date may not be considered.

ADDRESSES: Comments should be sent to: Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, 200 Independence Avenue, SW., 336–D HHH Building, Washington, DC 20201, Attn: Deborah L. McFadden.

FOR FURTHER INFORMATION CONTACT: Kay Smith, Program Development Division, Administration on Developmental Disabilities (202) 245–2984.

SUPPLEMENTARY INFORMATION:

Part I. Background

A. Goals of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities (ADD) is located within the Office of Human Development Services (HDS), Department of Health and Human Services. Although different from the other HDS program administrations in the specific populations it serves, ADD shares a common mission: to reduce dependency and increase self-sufficiency among our most vulnerable citizens. Emphasis on this mission, and progress toward it will help more persons with developmental disabilities live productive and independent lives, integrated into communities.

We have left an era when the trend was to assign to the Federal government an ever increasing responsibility for identifying the needs for social services and for designing programs to meet those needs. Public policy now articulates that public decisions are best made at the level of government closest to the target populations served—by elected State and local officials, and by those who manage programs at the State and local levels, including government officials, private organizations, voluntary organizations, schools, or religious organizations. Therefore, ADD has adopted specific goals which reflect this policy position. These goals are:

- To increase family and individual self-sufficiency and independence through social and economic development strategies;
- To target Federal assistance to the most severely disabled; and
- To improve the effectiveness and efficiency of State and locally administered human services programs.

B. Purpose of the Administration on Developmental Disabilities

The overall purpose of the Developmental Disabilities Assistance and Bill of Rights Act (the Act) is to provide assistance to States and public and private non-profit agencies and organizations to ensure that all persons with developmental disabilities can receive the services and other assistance and opportunities necessary to enable such persons to achieve their maximum potential through increased independence, productivity and integration into the community. The Act emphasizes that persons with developmental disabilities include those with severe functional limitations attributable to physical impairments, mental impairments, and combinations of physical and mental impairments.

In addition, in administering the Act at the Federal level, ADD seeks to enhance the role of the family in assisting persons with developmental disabilities to achieve their maximum potential as well as ensuring the

protection of the legal and human rights of persons with developmental disabilities. programs funded under the Act are:

- Basic State formula grants;
- State system for protection and advocacy of individual rights;
- Grants to University Affiliated Programs for interdisciplinary training, exemplary services/technical assistance and information dissemination; and
- Grants for Projects of National Significance.

C. Descriptions of Projects of National Significance

Under part E of the Act, grants and contracts are awarded for projects of national significance to increase and support the independence, productivity, and integration into the community of persons with developmental disabilities. These projects may include but are not limited to:

- Projects to educate policymakers;
- Projects to develop an ongoing data collection system;
- Projects to pursue Federal interagency initiatives; and
- Other projects of sufficient size and scope which hold promise of expanding or otherwise improving opportunities for persons with developmental disabilities (especially those who are multi-handicapped or disadvantaged, or minority groups, including Native Americans, Native Hawaiians, and other underserved groups).

In addition, funds may be awarded for technical assistance and demonstration projects (including research, training, and evaluation in connection with such projects) which hold promise of expanding or otherwise improving the advocacy functions performed by State Developmental Disabilities Planning Councils, the functions performed by University Affiliated Programs and Satellite Centers, and the State Protection and Advocacy System. Projects for the evaluation and assessment of the quality of services provided persons with developmental disabilities are also authorized to be funded.

Section 162(c) of the Act requires that ADD publish in the **Federal Register**, not later than January 1 of each year, proposed priorities for grants and contracts to carry out Projects of National Significance in the upcoming fiscal year. The Act also requires a period of 60 days for public comment and suggestions. After analyzing and considering such comments, ADD must publish in the **Federal Register** the final priorities for such grants and contracts, and solicit applications for funding based on the final priorities selected.

The following section presents the proposed priority areas for Fiscal Year 1990 Projects of National Significance. We welcome specific comments and suggestions, as well as suggestions for additional priority areas. We would also like to receive suggestions on topics which are timely and relate to specific needs in the field of developmental disabilities.

Part II. Fiscal Year 1990 Proposed Priority Areas for Projects of National Significance

ADD is interested in all comments and recommendations concerning research, demonstration, evaluation, training or technical assistance projects which address areas of existing or evolving national significance related to the field of developmental disabilities.

We also solicit recommendations for project activities which will assist in bringing about systemic change to increase and support the independence, productivity, and integration into the community of persons with developmental disabilities (especially those who are multi-handicapped or disadvantaged, or minority groups, including Native Americans, Native Hawaiians, and other underserved groups).

No proposals, concept papers or other forms of application should be submitted at this time. Any such submission will be discarded.

No acknowledgments will be made of the comments in response to this notice, but all comments will be considered in preparing the final priorities for developmental disabilities Projects of National Significance for Fiscal Year 1990.

Comments should be addressed to Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, Room 336–D HHH Building, 200 Independence Avenue, SW., Washington, DC 20201, Attn: Deborah L. McFadden.

Proposed Fiscal Year 1990 Priority Area 1: Projects to Assist and Educate Policymakers

There is a need to provide information to policymakers on critical issues pertaining to family support and developmental disabilities. We propose to fund projects in the following areas:

1.A. Strengthening Families

To identify, evaluate, synthesize, and disseminate information on families with a member who has a developmental disability which have been provided respite care. We want to concentrate on basic demographic information such as family unit characteristics, types of disabilities present in the family requiring supports, types of supports received in addition to respite care, additional support needs as defined by families, as well as information on racial, ethnic, and cultural diversity and make-up.

1.B. Familial Self-Advocacy and Empowerment

To fund demonstration projects that will strengthen families' ability for self-advocacy and empowerment in order to improve community services and the families' ability to access those services. The provision of adequate support to these families impacts on a number of service areas including public health, education, child development, developmental disabilities, and child welfare.

Proposed Fiscal Year 1990 Priority Area 2: Projects to Develop an Ongoing Data Collection System

There is a need for continuing ADD's current data collection effort that will meet the legislative reporting requirements and document progress made to improve the independence, productivity and integration into the community of persons with developmental disabilities. We propose to conduct projects that provide base-line data on residential services, expenditures, and vocational services in order to determine impact of services as well as policy development and change.

Proposed Fiscal Year 1990 Priority Area 3: Technical Assistance to State Developmental Disabilities Planning Councils, State Protection and Advocacy Agencies, and University Affiliated Programs

Section 162(a)(2) of the Act authorizes technical assistance and demonstration projects (including research, training, and evaluation in connection with such projects) which hold promise of expanding or otherwise improving the advocacy functions of the State Developmental Disabilities Planning Councils, protection and advocacy system of State Protection and Advocacy Agencies, and the functions performed by University Affiliated Programs and Satellite Centers. Therefore, in fiscal year 1990 ADD proposes to conduct the following technical assistance projects:

- Development of a management training guide for State Protection and Advocacy (P&A) System directors and managers which will strengthen and augment the skills required to manage the P&A system in the 1990's.

• Provision of technical assistance to State Developmental Disability Planning Councils on the implementation of recommendations emanating from State 1990 reports.

• Development of strategies to assist University Affiliated Programs to effectively implement training grants in the areas of early intervention, programs to serve elderly persons with developmental disabilities, and community-based programs.

Proposed Fiscal Year 1990 Priority Area 4: Other Projects of National Significance

During fiscal year 1990, ADD proposes to support projects in the following areas of emerging need:

4.A. Community Integration

There is a need to identify, evaluate, synthesize and disseminate information on community-based models of successful social integration which have brought about an improved quality of life, increased independence, productivity and integration into the community of persons with developmental disabilities.

4.B. Pediatric AIDS

There is a need to identify, evaluate, synthesize and disseminate information, as well as to provide technical assistance to the developmental disabilities field, on service models, risk reduction, and/or impact on the human service system of children with HIV/AIDS and their families.

4.C. Reducing Dependency

There is a need for model projects that are directed at expanding employment opportunities for individuals with developmental disabilities at the industry level utilizing adult services personnel and industry representatives, industry-based organizational development and capacity building methods.

4.D. Services to Minorities with a Developmental Disability

• There is a need for an indepth state-by-state analysis of the status of minority participation in programs that support individuals with a developmental disability, and the identification and dissemination of recruitment and training models and/or projects where the service system is reaching and serving its minority population.

• There is a need for the identification, evaluation, synthesis and dissemination of information on best practices related to serving minority populations such as Blacks, Hispanics, Native Americans, and Native Hawaiians.

(Federal Catalog of Domestic Assistance Number 13.631 Developmental Disabilities—Projects of National Significance)

Dated: September 12, 1989.

Deborah L. McFadden,

Commissioner, Administration on Developmental Disabilities.

Approved: September 12, 1989.

Mary Sheila Gall,

Assistant Secretary for Human Development Services.

[FR Doc. 89-21899 Filed 9-15-89; 8:45 am]

BILLING CODE 4130-01-M

Runaway and Homeless Youth; Proposed Priorities for Fiscal Year 1990

AGENCY: Office of Human Development Services (OHDS), HHS.

ACTION: Notice of Proposed Fiscal Year 1990 Runaway and Homeless Youth Program Priorities for the Office of Human Development Services.

SUMMARY: The Runaway and Homeless Youth Act requires the Department to publish annually for public comment a proposed plan specifying priorities the Department will follow in making grants under this title. Final priorities selected will take into consideration the expertise and recommendations received from the field in response to this notice.

Comments on these priorities and suggestions for other topics are invited. The actual solicitation of grant applications will be published separately, at a later date, in the Federal Register. No proposals, concept papers or other forms of application should be submitted at this time.

DATE: In order to be considered, comments must be received no later than November 2, 1989.

ADDRESS: Please send comments to: Wade F. Horn, Ph.D., Commissioner, Administration for Children, Youth and Families, Attention: Family and Youth Services Bureau, P.O. Box 1182, Washington, DC 20013, (202) 245-0051.

SUPPLEMENTARY INFORMATION:

I. Purpose

The purpose of the Runaway and Homeless Youth Act (the Act) is to improve services for and increase knowledge about runaway and homeless youth and their families.

The Act authorizes financial assistance to establish or strengthen community-based centers designed to address the immediate service needs of runaway and homeless youth and their families; fund a national communication system; provide grants to statewide and regional non-profit organizations to provide technical assistance and training to agencies and organizations eligible to establish and operate runaway and homeless youth centers; make grants for research, demonstration, and service projects; and provide informational assistance to potential grantees interested in establishing runaway and homeless youth centers.

The Act also authorizes a transitional living grant program which has not received Congressional appropriations to date.

II. Background

The Family and Youth Services Bureau is located within the Administration for Children, Youth and Families, Office of Human Development Services, Department of Health and Human Services.

The Family and Youth Services Bureau (FYSB) is responsible for administering the Act at the Federal level. To carry out the purposes of the Act, FYSB conducts activities that address crisis needs of runaway and homeless youth and their families through the establishment or strengthening of more than 340 community-based programs providing temporary shelter, counseling, and aftercare services. The Family and Youth Services Bureau also supports coordinated network grants designed to share information, expertise, and resources among service providers, and a toll-free 24-hour National Runaway Switchboard which serves as a neutral channel of communication between young people and their families and as a source of referral to needed services.

III. Annual Program Priorities

As required by section 364 of the Act, we are proposing for public comment the following Fiscal Year 1990 priorities in each of the program areas in the Act. We solicit specific comments and recommendations on these priorities. We also solicit suggestions for topics not covered in this announcement but which are timely and relate to the specific needs of runaway and homeless youth.

Commentors should be aware that the Act requires 90 percent of the funds under the Runaway and Homeless Youth Program (Part A of the Act) must be used to establish and strengthen runaway and homeless youth centers. Total funding under Part A of the Act for Fiscal Year 1990 is expected to be

approximately $26.9 million, depending on Congressional action.

In providing suggestions and recommendations, commentors should also be aware of research and demonstration projects supported by FYSB in previous years which include:

- Foundation challenge grants for mainstreaming troubled youth and independent living for older homeless youth;
- Improving minority participation in runaway and homeless youth centers;
- Prevention of youth suicide;
- Transition of homeless youth to independent living;
- Work with dysfunctional families of at-risk youth; and
- Prevention and treatment of alcohol abuse among minority youth.

No acknowledgment will be made of the comments in response to this notice, but all comments received by the deadline will be considered in preparing the final runaway and homeless youth funding priorities. Only the proposed priority area statements for the research and demonstration program will be included in the Coordinated Discretionary Program (CDP) **Federal Register** Announcement for FY 1990. The priority statements on the Basic Centers, National Communication System and Technical Assistance and Training Grants will appear in a separate **Federal Register** announcement as in previous years. Copies of the final program announcements will be sent to all persons who comment on these proposed priorities.

A. Priorities for Runaway and Homeless Youth Centers

Section 311 of the Act authorizes the Department to make grants to public and private entities to establish and operate local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of runaway or otherwise homeless youth, and their families.

Approximately 340 grants (of which one-third will be new awards) will be funded to support organizations which provide services to fulfill the four major goals of the Runaway and Homeless Youth Program. These goals are:

(1) Alleviate the problems of runaway and homeless youth;

(2) Reunite youth with their families and encourage the resolution of intrafamily problems through counseling and other services;

(3) Strengthen family relationships and encourage stable living conditions for youth; and

(4) Help youth decide upon constructive courses of action.

Community-based centers that address the immediate needs (e.g., outreach, temporary shelter, counseling, and aftercare services) of runaway and homeless youth and their families will be established or strengthened through the conduct of a competitive grant review process. The review criteria and the accompanying application procedures will be published in a **Federal Register** announcement.

B. Priorities for a National Communications System

Section 313 of the Act authorizes the Department to make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers.

In FY 1990, the National Communication System will be implemented through (1) supporting a continuation grant to support the National Runaway Switchboard (NRS) and (2) developing an interagency agreement with the National Center for Missing and Exploited Children, Department of Justice. The NRS will continue to provide information, referral and crisis counseling services to youth at-risk, including runaway and homeless, youth and their families throughout the country. Services will continue to be available through a toll-free 24-hour telephone service which is staffed by trained volunteers.

Efforts to publicize the NRS and its services will increase during fiscal year 1990. The purpose of the interagency agreement is to improve coordination between the switchboard and the National Center for Missing and Exploited children so that referrals are appropriately handled.

A **Federal Register** announcement will not be published for this program priority in FY 1990.

C. Priorities for Technical Assistance and Training Grants

Section 314 of the Act authorizes the Secretary to make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and private entities for the purpose of assisting such entities to establish and operate runaway and homeless youth centers.

The purpose of this program priority is to support grant activities that provide technical assistance and short-term training to both federally and non-Federally funded runaway and homeless youth centers. The goals of this priority are to strengthen the centers' capacity to provide mandated services, to implement innovative practices and approaches, and to expand the coordination of services and resources between and among the centers.

In FY 1990, each HHS region will have a Coordinated Networking grant and will continue the programmatic activities originally funded in FY 1988. Therefore, no **Federal Register** announcement will be issued in fiscal year 1990.

D. Priorities for Research, Demonstration, and Service Projects

Section 315 of the Act authorizes the Department to make grants to States, localities and private entities to carry out research, demonstration, and service projects designed to improve services for and increase knowledge of runaway and homeless youth.

This section further requires the Secretary to give special consideration to proposed projects relating to:

(1) Juveniles who repeatedly leave and remain away from their homes;

(2) Outreach to runaway and homeless youth;

(3) Transportation of runaway and homeless youth in connection with services authorized to be provided under this part;

(4) The special needs of runaway and homeless youth programs in rural areas;

(5) The special needs of foster care home programs for runaway and homeless youth;

(6) Transitional living programs for runaway and homeless youth; and

(7) Innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers.

With these statutory priorities in mind, we are proposing two priority areas:

1. Technology Transfer: Utilization of Products of Previously Supported Research and Demonstration Projects

Purpose: The purpose of this priority area is to review, evaluate, and prepare for dissemination information and models derived from previously supported research and demonstration efforts. Proposals for the empirical evaluation of previously funded efforts will be given the highest priority. Products of this activity will increase the capability of runaway and homeless youth centers to meet the increasing service needs of runaway and homeless youth and their families.

Background: Since 1985, the Family and Youth Services Bureau has funded 89 new projects in 17 subject areas under the Act. Products that have resulted from these projects include:

• Staff training manuals and other training materials including curricula, videotapes, computer protocols, and assessment instructions;

• Screening instruments to better identify problems such as vulnerability to suicide;

• Improved instruments for data collection to better incorporate demographic and cultural characteristics in program planning;

• Strategies for coordination at the local, State and Federal levels among agencies, organizations and programs to more effectively assist runaway and homeless youth and their families;

• Outreach approaches to bring vulnerable, at-risk, hard to reach runaway and homeless youth into a service delivery system;

• Exemplary models of public-private partnerships, and utilization of volunteers and peers to enhance and expand the delivery of a broad spectrum of services to help at-risk youth; and

• Innovative techniques for funding service programs, including use of endowment funds, youth entrepreneurship and corporate involvement in the delivery of services.

Comments from the field will assist in determining which issue areas will receive priority attention for evaluation and dissemination efforts. Topics to be considered are:

(1) Working with chronic runaways;
(2) Independent living;
(3) Combatting juvenile prostitution;
(4) Identification and treatment of abused and neglected adolescents;
(5) Improved outreach and aftercare;
(6) Parent/Adolescent mediation;
(7) Youth suicide prevention;
(8) Use of volunteers and mentors;
(9) Strategies for fund raising; and
(10) Employment strategies involving private industry councils.

Examples of the types of activities FYSB envisions incorporating into this priority area include:

• Evaluation of a representative sample of staff training materials and development of an action plan to improve shelter accessibility to these training resources;

• Coordination with a national professional association to develop a report on technological innovations resulting in improved services to at-risk youth. These innovations should reflect the research and demonstration projects funded by FYSB in recent years. Dissemination of this report to youth centers, policy-makers, and community and business leaders is expected.

• Compilation of a list of video and computer products that have been developed through previously funded CDP Runaway and Homeless Youth activities; evaluation of the quality of these videotape and computer products, and dissemination of this evaluation to center directors; and reproduction of these products for use by center directors and other youth serving agencies.

• Determination of the feasibility of a national symposium to disseminate information and stimulate replication.

• Compilation of summary presentations of successful projects, based on a standardized format, for publication and dissemination.

2. Successful National Models of Interdisciplinary Cooperation Between Law Enforcement Agencies and Runaway and Homeless Youth Centers

Purpose: The purpose of this priority area is to improve communication between local law enforcement agencies and runaway and homeless youth centers.

Background: Inappropriate placement of runaway and homeless youth in detention centers is a costly way of handling runaway, homeless, and other at-risk youth. Shelters, having already established ties with community and service organizations, provide a natural framework for intervention and prevention of future delinquent behavior.

Demonstration projects would receive support to:

• Identify and describe existing barriers to police/center cooperation;

• Develop, test, and evaluate new methods of improving cooperation; and

• Develop methods and curricula designed to institutionalize this cooperation, including police officer and youth worker training.

Dissemination of these models within the law enforcement and youth service sectors would be an integral part of the activities under this priority area.

(Catalog of Federal Domestic Assistance Program Number 13.623, Runaway and Homeless Youth.

Dated: September 11, 1989.

Wade F. Horn,

Commissioner, Administration for Children, Youth and Families.

Approved: September 11, 1989.

Mary Sheila Gall,

Assistant Secretary for Human Development Services.

[FR Doc. 89-21901 Filed 9-15-89; 8:45 am]

BILLING CODE 4130-01-M

National Institutes of Health

National Cancer Institute; Meeting of Cancer Clinical Investigation Review Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, National Institutes of Health, November 30–December 1, 1989, The Bethesda Ramada, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.

This meeting will be open to the public on November 30, from 8:30 a.m. to 9:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 30, from approximately 9:00 a.m. to 6:00 p.m. and December 1, from 8:30 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301-496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Janet M. Cuca, Executive Secretary, Cancer Clinical Investigation Review Committee, National Cancer Institute, Westwood Building, Room 836, National Institutes of Health, Bethesda, Maryland 20892 (301-496-7481) will furnish substantive program information.

Dated: August 31, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-21878 Filed 9-15-89; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute; Meeting

Notice is hereby given of the meeting of the Thyroid/Iodine-131 Assessments Committee, National Cancer Institute, October 17-18, 1989, Hyatt Regency Bethesda, Executive Board Room, One Bethesda Metro Center, Bethesda,

Maryland 20814. The meeting will be open from 9:00 a.m. to adjournment on October 17 for discussion and review of the study progress. However, if unable to complete the discussion and review of the study progress on October 17, the Committee will meet on October 18 from 9:00 a.m. until adjournment. Attendance by the public will be limited to space available.

Ms. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary of the Thyroid/Iodine–131 Assessments Committee, Division of Cancer Etiology, National Cancer Institute, Building 31, Room 11A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–6927) will provide substantive program information, upon request.

Dated: September 1, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–21989 Filed 9–15–89; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Dental Research; Meeting of Dental Research Programs Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Dental Research Programs Advisory Committee, National Institute of Dental Research, October 19–20, 1989, in Building 1, Wilson Hall, National Institutes of Health, Bethesda, Maryland, from 9 a.m. to recess on October 19 and 9 a.m. to adjournment on October 20.

The entire meeting will be open to the public to discuss research progress and ongoing plans and programs on the causes, nature, diagnosis, treatment and prevention of oral diseases and conditions. Attendance by the public will be limited to space available.

Dr. Wayne Wray, Deputy Director for extramural Program, NIDR, NIH, Westwood Building, Room 504, Bethesda, MD 20892 (telephone 301/496–7748) will provide a summary of the meeting, roster of committee members and substantive program information upon request.

(Catalog of Federal Domestic Assistance Program Nos. 13.121-Diseases of the Teeth and Supporting Tissues: Caries and Restorative Materials; Periodontal and Soft Tissue Diseases; 13.121-Disorders of Structure, Function, and Behavior, Craniofacial Anomalies, Pain Control, and Behavioral Studies; 13.845-Dental Research Institutes, National Institutes of Health)

Dated: September 12, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–21994 Filed 9–15–89; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting of Blood Diseases and Resources Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart, Lung, and Blood Insitute, October 26–27, 1989, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892. The Committee will meet in Building 31, Conference Room 8, C Wing.

The entire meeting will be open to the public from 11 a.m. to adjournment October 26, 1989, and 9 a.m. to adjournment October 27, 1989, to discuss the status of the Blood Diseases and Resources program needs and opportunities. Attendance by the public will be limited to space available.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the Committee members.

Dr. Fann Harding, Assistant to the Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Federal Building, Room 5A–08, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–1817, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: September 12, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–21992 Filed 9–15–89; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting of Pulmonary Diseases Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, October 24–25, 1989, at the National Institutes of Health, Executive Plaza North, 6130 Executive Boulevard, 1st Floor, Rooms G & H, Rockville, MD 20892.

The entire meeting, from 1:00 p.m. on October 24, to adjournment on October 25, will be open to the public. The Committee will develop and discuss proposed initiatives for the Division of Lung Diseases' Implementation Plan. Attendance by the public will be limited to the space available.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A–21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the Committee members.

Dr. Suzanne S. Hurd, Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research, National Institutes of Health)

Dated: September 12, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–21993 Filed 9–15–89; 8:45 am]

BILLING CODE 4140–01–m

National Heart, Lung, and Blood Institute; Cardiology Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Cardiology Advisory Committee, National Heart, Lung, and Blood Institute, October 24–25, 1989, Building 31C, Conference Room 8, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 9:00 a.m. on October 24 to adjournment on October 25. Attendance by the public will be limited to space available. Topics for discussion will include a review of the research programs relevant to the Cardiology area and consideration of future needs and opportunities.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Room 4A21, Building 31, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the committee members.

Eugene R. Passamani, M.D., Director, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Room 416, Federal

Building, Bethesda, Maryland 20892, (301) 496–2553, will furnish substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: September 12, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–21991 Filed 9–15–89; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung and Blood Institute; Meeting of the Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee, National Heart, Lung and Blood Institute, October 26–27, 1989, Building 31, Conference Room 10, C–Wing, National Institutes of Health, Bethesda, Maryland 20892.

The entire meeting will be open to the public from approximately 11:00 a.m. to 5:00 p.m. on Thursday, October 26, and from 8:30 a.m. to adjournment on Friday, October 27, to evaluate program support in arteriosclerosis, hypertension and lipid metabolism. Attendance by the public will be limited on a space available basis.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4235, will provide a summary of the meeting and a roster of the committee members.

Dr. G. C. McMillan, Associate Director, Arteriosclerosis, Hypertension and Lipid Metabolism Program, NHLBI, Room 4C12, Federal Building, National Institutes of Health, Bethesda, MD 20892, (301) 496–1613, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: September 12, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–21990 Filed 9–15–89; 8:45 am]

BILLING CODE 4140–01–M

Meetings of the National Heart, Lung, and Blood Advisory Council and Its Research Subcommittee and Training Subcommittee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, October 19–20, 1989, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland 20892. In addition, the Research Subcommittee and the Training Subcommittee of the above Council will meet on October 18; the Research Subcommittee at 1 p.m. in Building 31, Conference Room 9 and the Training Subcommittee at 8 p.m. in Building 31, Conference Room 10.

The Council meeting will be open to the public on October 19 from 9 a.m. to approximately 3:30 p.m. for discussion of program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C., section 10(d) of Pub. L. 92–463, the Council meeting will be closed to the public from approximately 3:30 p.m. on October 19 to adjournment on October 20 for the review, discussion and evaluation of individual grant applications. The meetings of the Research Subcommittee and the Training Subcommittee of the above Council on October 18, will be closed from 1 p.m. and 8 p.m., respectively, to adjournment for the review, discussion, and evaluation of individual grant applications.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the Council members.

Ms. Arlene Zimmerman, Executive Secretary, National Heart, Lung, and Blood Advisory Council, Westwood Building, Room 7A–15, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–7548, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung, Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: August 31, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–21879 Filed 9–15–89; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Office of the Assistant Secretary for Health and Office of Disease Prevention and Health Promotion Announcement of Year 2000 Health Promotion and Disease Prevention Objectives Availability for Public Review and Comment

The Public Health Service announces for public review and comment the availability of the draft of *Promoting Health/Preventing Disease: Year 2000 Objectives for the Nation.* This draft document was developed following extensive public input through regional and national hearings that were conducted during 1988. The agencies of the Public Health Service have served as coordinators of working groups, involving Federal and non-Federal experts, to draft objectives addressing 21 priority areas for preventive intervention. On behalf of the Assistant Secretary for Health, the Office of Disease Prevention and Health Promotion serves as the general manager and editor for this initiative.

Guidelines for submitting comments on this document are provided in its introduction. All comments must be received no later than November 15, 1989.

Persons who wish to review and provide comments may obtain single copies of the draft of *Promoting Health/Preventing Disease: Year 2000 Objectives for the Nation* by writing to the ODPHP National Health Information Center (OHNIC), P.O. Box 1133, Washington, DC 20013–1133, or calling the OHNIC at (301) 565–4167. Single copies may be obtained in person at 330 C Street, SW., Room 2132, Washington, DC.

Dated: September 12, 1989.

J.M. McGinnis,

Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion).

[FR Doc. 89–21974 Filed 9–15–89; 8:45 am]

BILLING CODE 4161–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. D-89-904; FR-2649]

Redelegation of Authority To Award and Administer Discretionary Assistance Awards Under the Fair Housing Assistant Program

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: The General Deputy Assistant Secretary for Fair Housing and Equal Opportunity, in accordance with his authority to administer the Fair Housing Assistance Program (FHAP), is redelegating to the HUD Regional Administrators-Regional Housing Commissioners and to the Regional Directors of Fair Housing and Equal Opportunity the authority to award and administer cooperative agreements and grants under the FHAP.

EFFECTIVE DATE: September 18, 1989.

FOR FURTHER INFORMATION CONTACT: Turner Russell, Management Analyst, Office of Management and Field Coordination, Office of Fair Housing and Equal Opportunity, Room 5120, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 755-9340. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Secretary of Housing and Urban Development has delegated certain functions and responsibilities under the Fair Housing Act (42 U.S.C. 3601-19) to the Asssistant Secretary for Fair Housing and Equal Opportunity and to the General Deputy Assistant Secretary for Fair Housing and Equal Opportunity. See 54 FR 13121 (March 30, 1989). That delegation includes the authority to administer the FHAP. See 24 CFR 111.109.

A final rule revising the existing system of administrative funding for State and local agencies' participation in the FHAP was published in the Federal Register of May 9, 1989 (54 FR 20094), and become effective on June 19, 1989. The rule consolidates the present Type II competitive and Type I noncompetitive funding components of the program into one comprehensive noncompetitive funding system.

In a previous action on January 29, 1988, the General Deputy Assistant Secretary for Fair Housing and Equal Opportunity delegated to the Regional Administrators-Regional Housing Comissioners and the Regional Directors of Fair Housing and Equal Opportunity the authority to award and administer cooperative agreements and grants under the FHAP for Type I noncompetitive funding. See 53 FR 2647. Existing FHAP Type II competitive grants will continue to be administered by the Office of the Assistant Secretary for Fair Housing and Equal Opportunity.

With the implementation of the revised rule, all Type I funding designations will be eliminated in the FHAP. The January 29, 1988 redelegation of authority with respect to FHAP Type I grants will remain in effect until such time as all Type I awards are officially closed out. With the close out of all of the subject grants, the January 29, 1988 redelegation of authority will lapse.

This redelegation of authority to the HUD Regional Administrators-Regional Housing Commissioners and to the HUD Regional Directors of Fair Housing and Equal Opportunity with respect to the FHAP conforms to the new funding approach by omitting any referene to Type I funding.

Redelegation of Authority

The General Deputy Assistant Secretary for Fair Housing and Equal Opportunity hereby redelegates the authority to award and administer cooperative agreements and grant under the Fair Housing Assistance Program (24 CFR part 111) to the HUD Regional Administrators-Regional Housing Commissioners and to the Regional Directors of Fair Housing and Equal Opportunity. The administration of existing FHAP Type II competitive grants is specifically excepted from this redelegation.

Dated: September 6, 1989.

Thomas D. Casey,

General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 89-21995 Filed 9-15-89; 8:45 am]

BILLING CODE 4210-28-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

School Construction Priority List, FY 1991

August 24, 1989.

AGENCY: Office of Construction Management, Interior.

ACTION: Notice of New School Construction Priority List for Fiscal Year 1991.

The new school construction project priority list has been prepared for FY 1991 as required by Pub. L. 95-561 (92 Stat. 2319 section 1125(O) which requires that: "At the time any budget request for school construction is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all school construction priorities."

This notice for FY 1991 provides the current revised list of proposed new school construction projects. Construction of these projects is subject to the availability of funds and/or the status of currently committed construction projects approved by the Congress. These proposed projects are also subject to further review in terms of either replacement or rehabilitation.

The current list of school construction projects applies to FY 1991 and is based upon the evaluation criteria developed by the Office of Construction Management and the Bureau of Indian Affairs, as noticed in the Federal Register (Vol. 53, No. 72, 12470-12471) on April 14, 1988. A revised list will be developed and published for each succeeding year.

The new school construction priority list for FY 1991 is:

Dunseith Day School
Coeur D'Alene Tribal School
Pine Ridge High School, Phase II
Santa Clara Day School
Zia Day School
Tiospa Zina Tribal School
Pyramid Lake High School
Rock Point Community School
Seba Delkai Boarding School

Applications for new school construction funding consideration for Fiscal Year 1992 may be submitted during the period of September 15, 1989 through November 15, 1989. The "Instructions and Application for New School Construction" is available upon request through the Office of Construction Management (OCM) and from the Bureau of Indian Affairs (BIA) Area and Agency offices and the BIA Facilities Management and Construction Center, P.O. Box 1248, Albuquerque, NM 87103.

Applications must be received by OCM by November 15, 1989, to be considered for Fiscal Year 1992 budget consideration. The new school construction priority list is revised each year based on the evaluation of applications received that year. Tribal entities may submit a new school construction application each year.

FOR FURTHER INFORMATION CONTACT: Arthur M. Love, Jr., Director, Office of Construction Management, Department of the Interior, 18th & C Streets, NW.,

Mail Stop 2415, Washington, DC 20240, (202) 343–3403.

Lou Gallegos,

Assistant Secretary, Policy, Budget & Administration.

[FR Doc. 89–21887 Filed 9–15–89; 8:45 am]

BILLING CODE 4310–RK–M

Bureau of Indian Affairs

Intent to Prepare an Environmental Impact Statement; Goshute Indian Reservation, UT.

AGENCY: Bureau of Indian Affairs, Department of Interior.

ACTION: Notice of intent and public scoping meetings.

SUMMARY: This notice advises the public that the Bureau intends to gather information necessary for the preparation of an Environmental Impact Statement (EIS) for the proposal to lease approximately 200 acres of the Goshute Indian Reservation, Utah, for an industrial and hazardous waste incineration facility and greenhouse complex, Juab County. Public scoping meetings will be held to receive input and questions from members of the public regarding this proposal and preparation of this EIS. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

DATE: Written comments should be received on or before October 28, 1989.

Scoping meetings to identify issues and alternatives to be evaluated in the EIS will be held on Wednesday September 27, 1989, at the Indian Center, Goshute Indian Reservation, located south of Ibapah, Utah, at 1:00 pm and on September 27, 1989, at the State Line Hotel, Old Highway 40 and Main Street, Wendover, Nevada, at 7:00 pm and on September 28, 1989, at the Holiday Inn, 1659 North Temple, Salt Lake City, Utah at 7:00 pm. The above areas are in the mountain time zone. Comments and participation in the scoping process are solicited and should be directed to the BIA at the address provided below or to El Dorado Engineering, Inc. Attention:

Mr. Ralph W. Hayes, 3460 South Redwood Rd., Salt Lake City, Utah 84119.

Significant issues to be covered during the scoping process include water pollution, air pollution, hazardous substances, land use and natural resources, soil and plant restoration, modes and routes of transportation, fish and wildlife, cultural and historic sites; and socioeconomic conditions.

ADDRESS: Comments should be addressed to: Superintendent, Bureau of Indian Affairs, P.O. Box 28, Elko, NV 89801.

FURTHER INFORMATION CONTACT: Ms. Amy L. Heuslein, Area Environmental Protection Specialist, Bureau of Indian Affairs, Phoenix Area Office, P.O. Box 10, Phoenix, Arizona 85001, Telephone (602) 241–2281 or FTS: 261–1181; or Donna S. Bradley, Realty Specialist, Bureau of Indian Affairs, Eastern Nevada Agency, P.O. Box 28, Elko, NV 89801, Telephone (702) 738–5165 ext. 40.

SUPPLEMENTAL INFORMATION: The Bureau of Indian Affairs, in cooperation with the Confederated Tribes of the Goshute Reservation and the El Dorado Engineering, Inc., will prepare an Environmental Impact Statement (EIS) on a proposed lease site located on the Goshute Indian Reservation, approximately seven miles south of the Indian Center, Juab County, State of Utah. The proposed lease would facilitate the construction of a facility to be used for the incineration of industrial and hazardous waste by the use of a rotary kiln and associated air pollution control equipment. The facility would contain waste unloading and temporary storage areas, waste and fuels blending and feeding areas and an analytical laboratory. The facility would process up to 10 tons of waste per hour and is expected to operate about 7000 hours per year. Incoming waste would be transported to the site via semi-truck trailer or tank trucks. The primary process used at the facility would be incineration of waste liquids, mainly waste No. 2 fuel oil.

The incineration process would provide energy to support the year round production of tomatoes in greenhouses. The greenhouse complex would cover approximately 40 acres. Heat exchange equipment, greenhouses and a warehouse to support the tomato production would also be part of the facility. The fuels blending operation would generate fuel feed stocks in excess of 8,000 BTU/lb. This feed stock would be sold as fuel to outside sources and would provide the energy necessary to support the year round tomato production. The tomatoes would be transported by truck and sold to outside source. The operation of the facility would require the use of up to 2,000 gallons of water per minute for six hours per day from a spring located approximately 2 miles from the facility site. A well would be drilled at the spring site to provide a backup source of water and a 12-foot right-of-way between the spring and the facility would be required for piping of water. The 200 acres of Indian Trust land in Juab County, State of Utah would be fenced and approximately one-half acre of land surrounding the spring would be fenced. The facility would provide additional employment opportunities, additional income and community development for the tribe.

Information describing the proposed action will be sent to the appropriate Federal, tribal, state and local agencies and to private organizations and citizens expressing an interest in this proposal.

The principal alternatives identified are to build the project as planned, not to build the project, use a different location, or use the land for other purposes. Potential Environmental Impacts that may be of concern are Water Resources, Air Quality, Transportation, Land Management, Cultural and Historic Preservation and Fish and Wildlife.

We estimate the DEIS will be made available to the public in January, 1990.

This notice is published pursuant to 1501.7 of the Council of Environmental Quality regulations (40 CFR Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), Department of Interior Manual (516 DM 1–6) and is in the exercise of authority delegated by the Secretary of the Interior to the Deputy Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: September 7, 1989.

Donald F. Asbra

Assistant Secretary—Indian Affairs

[FR Doc. 89–21930 Filed 9–15–89; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[NV–040–09–4320–12]

Ely District; Hearing

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of hearing.

SUMMARY: Notice is hereby given that a meeting of the Ely District Grazing Advisory Board will be held on Thursday, October 19, 1989.

The meeting will convene at 9:30 a.m. in the Conference Room of the Ely District Office located on the Pioche Highway one mile south of Ely, Nevada.

The main agenda items will be the status of projects programmed for

construction or feasibility and survey and design studies next fiscal year.

Public comment time is scheduled for 11:00 a.m. The public is invited to attend this meeting and may, at the designated time submit written or oral statements for the advisory board's consideration.

Minutes of the meeting will be available for public inspection and reproduction during regular office hours within 30 days following the meeting.

DATE: September 6, 1989.

ADDRESS: Comments and suggestions should be sent to: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

FOR FURTHER INFORMATION CONTACT: Kathy Lindsey, (702) 289–4865.

Dated: September 6, 1989.

Hal M. Bybee,

District Manager.

[FR Doc. 89–21883 Filed 9–15–89; 8:45 am]

BILLING CODE 4310-HC-M

[ID-020-09-4212-13; I-26430]

Transfer of Public Lands; Idaho

Notice is hereby given that the BLM has amended the Twin Falls MFP to allow for transfer of certain public lands in exchange for privately owned lands in Twin Falls and Cassia Counties, Idaho, and to allow for acquisition of certain private lands in Twin Falls County, Idaho

AGENCY: Bureau of Land Mangement, Interior.

ACTION: Notice of action—Amendment of the Twin Falls Management Framework Plan (MFP)/Notice of Realty Action (NORA), Exchange of Public Land in Twin Falls County and Blaine County, Idaho.

SUMMARY: The following described lands have been examined and through the public supported land use planning process have been determined to be suitable for transfer by exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Public lands to be transferred are described as:

T.14S., R.15E., B.M.,
Sec. 13, SE¼NE¼, NW¼, S½;
Sec. 14, SE¼SE¼;
Sec. 24, E½W½, E½;
Sec. 25, All;
Sec. 26, E½NE¼, S½NW¼;
Sec. 35, E½E½.
T.15S., R.15E., B.M.,
Sec. 2, Lot 1, SE¼NE¼, NE¼SE¼
T.14S., R.16E., B.M.,
Sec. 18, Lot 7, E½SW¼, W½SE¼;
Sec. 19, Lot 1, 2, 3, 4, E½W½;
Sec. 20, SW¼;
Sec. 29, NW¼;
Sec. 30, Lot 1, N½NE¼, NE¼NW¼.
T.15S., R.16E., B.M.,
Sec. 3, Lot 1, SE¼NE¼, SE¼NW¼, NE¼SW¼, E½SE¼, NW¼SE¼;
Sec. 4, Lot 1, 2, S½NE¼;
Sec. 10, E½NE¼;
Sec. 17, SW¼NE¼, W½SE¼, SE¼SE¼;
Sec. 20, NE¼;
Sec. 21, W½SE¼;
Sec. 22, S½SW¼, NE¼SE¼;
Sec. 23, W½NW¼;
Sec. 27, N½NW¼, SW¼NW¼;
Sec. 28, NE¼SE¼.
T.02S., R.21E., B.M.,
Sec. 7, NE¼NE¼, NE¼SE¼;
Sec. 8, W½W½NW¼, W½NW¼SW¼.
T.06S., R.26E., B.M.,
Sec. 9, E½SW¼.
Comprising 4,681.83 Acres

Non-Federal lands to be acquired are described as:

T.15S., R.16E., B.M.,
Sec. 5, Lot 4, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 6, Lot 1, SE¼SE¼;
Sec. 8, NW¼, E½SW¼, W½E½;
Sec. 18, SE¼SE¼;
Sec. 19, NE¼, E½SE¼;
Sec. 20, SW¼NW¼.
T.16S., R.17E., B.M.,
Sec. 3, S½SE¼;
Sec. 10, E½;
Sec. 11, S½NW¼, N½SW¼;
Sec. 15, E½
Sec. 22, NE¼, N½SE¼.
T.16S., R.21E., B.M.,
Sec. 25, SW¼NW¼, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 26, SE¼NE¼.
T.16S., R.22E., B.M.,
Sec. 31, Lot 1, W½NE¼, NE¼NW¼.
Comprising 2,566.9 Acres

The purpose of this exchange is to acquire the non-Federal lands which have high public values for terrestrial and aquatic wildlife habitat, riparian habitat, recreation, and cultural resources. Acquisition of the lands will result in a net increase of 590 acres of critical mule deer habitat, 605 acres of potential crucial deer habitat, and 480 acres of crucial sage grouse habitat in public ownership. The acquisition will also result in the addition of 605 acres of riparian habitat, 6 miles of perennial stream, 3 developed springs, and 1 undeveloped spring to public ownership.

The values of the lands to be exchanged are approximately equal; full equalization of values will be achieved by adjustment of the acres of public land to be transferred out of Federal ownership.

Lands to be transferred from the United States will be subject to the following reservations, terms, and conditions:

1. A reservation to the United States for rights-of-way for ditches and canals constructed under the Act of August 30, 1890 (43 U.S.C. 945).

2. A reservation to the United States for Federal Aid Highway I–08367, I–16803, and I–05744.

3. Subject to those rights granted to Filer Mutual Telephone Company under rights-of-way I–23824, I–16930, and I–26307.

4. Subject to those rights granted to Idaho Power Company under rights-of-way I–26749, I–04539, I–26662, and I–13008.

5. Subject to those rights granted to the Point Ranch under right-of-way I–20883.

6. Subject to those rights granted to the Twin Falls Highway District under right-of-way I–27099.

7. Subject to those rights granted to Blaine County under right-of-way I–27140.

8. Subject to those rights granted to Oregon Shortline Railroad under right-of-way I–960.

Continued use of the land by valid right-of-way holders is proper subject to the terms and conditions of the grant. Administrative responsibility previously held by the United States will be assumed by the patentee, unless the right-of-way is reserved to the United States.

SUPPLEMENTARY INFORMATION: Detailed information concerning the conditions of the exchange can be obtained by contacting Sharon LaBrecque-Smith, Snake River Realty Specialist, at (208) 678–5514.

Planning Protest: Any party that participated in the plan amendment and is adversely affected by the amendment may protest this action only as it affects issues submitted for the record during the planning process. The protest shall be in writing and filed with the Director (760), Bureau of Land Management, 1800 "C" Street, NW., Washington, DC 20420, within 30 days of this notice.

Land Exchange Comments: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the land exchange to the District Manager, Bureau of Land Management, Rt. 3 Box 1, Burley, Idaho 83318. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any planning protests or objections regarding the land exchange, this realty action will become the final determination of the Department of the Interior and the planning amendment will be in effect.

Dated: September 8, 1989.

Gerald L. Quinn,

District Manager.

[FR Doc. 89-21931 Filed 9-15-89; 8:45 am]

BILLING CODE 4310-CG-M

Geological Survey

Insignia Prescription

Notice is given that the seal, which is depicted on the attachment, is hereby prescribed as the official insignia of the Geological Survey, a bureau of the United States Department of the Interior.

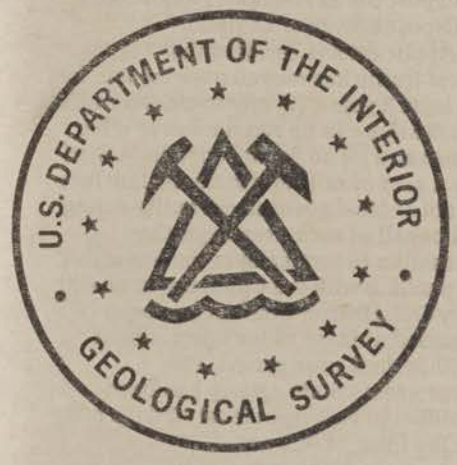
In making this prescription, notice is also given that, under section 701 of title 18 of the United States Code, whoever manufactures, sells, or possesses any badge, identification card, or other insignia of the design precribed herein, or any colorable imitiation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined not more than $250 or imprisoned not more than six months, or both.

This notice is given in order to prevent proliferation or unauthorized use of the Geological Survey seal.

Dated: September 8, 1989.

Dallas L. Peck,

Director, Geological Survey.



[FR Doc. 89-21882 Filed 9-15-89; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Reclamation

Colorado River Basin Salinity Control Advisory Council

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meeting of the Colorado River Basin Salinity Control Advisory Council.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of a meeting of the Colorado River Basin Salinity Control Advisory Council.

DATES: The meeting begins on Tuesday, October 17, 1989, at 11 a.m. and reconvenes on Wednesday, October 18, 1989, following the Colorado River Basin Salinity Control Forum meeting.

ADDRESS: The meeting will be held at 215 Fremont Street, 6th Floor, Hawaii Trust Territories Room, San Francisco CA 94105.

FOR FURTHER INFORMATION CONTACT: Mr. Stan Gappa, Colorado River Salinity Program Coordinator, Bureau of Reclamation, D-5090, Denver Office, PO Box 25007, Denver CO 80225.

SUPPLEMENTARY INFORMATION: Council member will be briefed on the status of salinity control activities and receive input for drafting the Council's annual report.

The Department of the Interior, Department of Agriculture, and Environmental Protection Agency will each present a progress report and schedule of activities on salinity control in the Colorado River Basin. The council will discuss Colorado River Basin Salinity Control activities and the content of their annual report.

The meeting of the Advisory Council is open to the public.

Any member of the public may file a written statement with the Council before, during, or after the meeting in person or by mail. To the extent that time permits, the Council chairman may allow public presentation of oral statements at the meeting.

Dated: September 8, 1989.

J. Austin Burke,

Acting Deputy Commissioner.

[FR Doc. 89-21910 Filed 9-15-89; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL BOUNDARY AND WATER COMMISSION

Availability of Final Environmental Assessment and Finding of No Significant Impact

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of availability of final environmental assessment and finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Final Regulations (40 CFR parts 1500 through 1508); and the U.S. Section's Operational Procedures for Implementing section 102 of NEPA, published in the **Federal Register** September 2, 1981 (46 FR 44083); the U.S. Section hereby gives notice that the Final Environmental Assessment and Final Finding of No Significant Impact for an international agreement for improvement of the quality of the waters of the Rio Grande at Laredo, Texas/Nuevo Laredo, Tamaulipas are available. A Notice of finding of no significant impact dated June 19, 1989, provided a thirty day review and comment period before making the finding final. The Notice was published in the **Federal Register** June 30, 1989 (54 FR 27764-27765).

FOR FURTHER INFORMATION CONTACT: Mr. M.R. Ybarra, U.S. Section Secretary, International Boundary and Water Commission, United States and Mexico, U.S. Section, 4171 North Mesa Street, C-310, El Paso, Texas 79902. Telephone: 915/534-6698, FTS 570-6698.

SUPPLEMENTARY INFORMATION:

Proposed Action

The action proposed is that the United States Government enter into an agreement with the Government of Mexico through the International Boundary and Water Commission (Commission) to provide for a jointly funded project to improve the quality of the waters of the Rio Grande at Laredo, Texas and Nuevo Laredo, Tamaulipas. The agreement would be in the form of a Minute of the Commission for the approval of the two Governments and would provide for the jointly funded construction of an international sanitation project in Nuevo Laredo. The project would stop the discharge of untreated sewage into the Rio Grande

from Nuevo Laredo, and in furtherance of United States financial participation, would provide treatment of the sewage to meet the effluent standards in force in the United States.

Alternatives Considered

Three alternatives were considered:

The Proposed Action Alternative. This alternative is to enter into an agreement with Mexico that provides for the jointly funded construction of an international sanitation project in Nuevo Laredo. The project consists of six principal elements: (1) A riverside collector, (2) a collector along Coyote Arroyo called the Coyote I Collector, (3) expansion of the sewage collection system, (4) rehabilitation of the sewer system, (5) construction of a pumping plant to convey waters from the riverside and Coyote I collectors to a proposed treatment plant, and (6) construction of an international wastewater treatment plant. Other aspects of this alternative would require Mexico to prevent the discharge of untreated industrial wastewaters into the Rio Grande as well as discharge into the sewage collection system. The cost of construction, operation and maintenance would be shared by the two countries. Construction, operation and maintenance of the facilities will be under the supervision of the Commission to assure compliance with the terms of the agreement.

The Treatment in the United States Alternative. Under this alternative, an international wastewater treatment plant would be constructed in the United States to handle the sewage load from Nuevo Laredo. A costly river crossing pipeline would be required. There would be the threat of washout from high flows that could result in serious pollution problems. The cost of construction of a treatment plant in the United States would be much greater than performing the same work in Mexico. Finally, there are no assurances that all the sewage would be properly collected on the Mexican side since a plant on the United States side would not provide the opportunity of strong direct supervision of the collection system in Mexico through the Commission.

The No Action Alternative. Under this alternative, the discharge of untreated sewage into the Rio Grande would continue. There is a likelihood that future discharge points would be located upstream of the Laredo, Texas, water treatment plant. The volume of collected sewage is expected to increase in the future. Elevated bacterial levels are evident in the waters of the Rio Grande about 40 miles downstream where the cities of San Ignacio, Texas and San Ignacio, Tamaulipas obtain their domestic water supplies. Threat of pollution of Falcon Reservoir would continue, and the recreational values of the reservoir would be further diminished. There is also a likelihood of greater discharges of industrial pollutants to the Rio Grande without a joint project.

Availability

Single copies of the Final Environmental Assessment and Final Finding of No Significant Impact may be obtained by request at the above address.

August 31, 1989.

Suzette Zaboroski,

Staff Counsel.

[FR Doc. 89-21881 Filed 9-15-89; 8:45 am]

BILLING CODE 4710-03-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-55; Sub-No. 311X]

CSX Transportation, Inc.—Abandonment Exemption—In Greenville County, SC

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505 the Interstate Commerce Commission exempts CSX Transportation, Inc. from the prior approval requirements of 49 U.S.C. 10903 *et seq.*, to abandon its 0.52-mile line of railroad between Valuation Stations 47+50 and 19+81 in Greenville, in Greenville County, SC. The exemption is subject to employee protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on October 18, 1989. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by September 28, 1989, petitions to stay must be filed by October 3, 1989, and petitions for reconsideration must be filed October 13, 1989. Requests for a public use condition must be filed by September 28, 1989.

ADDRESSES: Send pleadings referring to Docket No. AB-55 (Sub-No. 311X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representatives: Patricia Vail, 500 Water Street, Jacksonville, FL 32202,

and

Lawrence H. Richmond, 100 North Charles Street, Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245 [TDD for hearing impaired: (202) 275-1721]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275-1721.]

Decided: September 11, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners André, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

[FR Doc. 89-21972 Filed 9-15-89; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 315X)]

CSX Transportation, Inc.; Abandonment Exemption in Fayette County, WV

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon its 5.87-mile line of railroad in Fayette County, WV: (1) Between milepost 0.0, at Quinnimont, and milepost 5.47, near Hemlock Hollow; and (2) between milepost 0.0, at Hemlock Hollow, and milepost 0.40, near Layland.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected

[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on October 18, 1989 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by September 28, 1989.[3] Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by October 10, 1989, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Patricia Vail, CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by September 22, 1989. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275–7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: September 7, 1989.

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 89–21653 Filed 9–15–89; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 31522, 31522 (Sub-No. 1), et al.]

Rio Grande Industries, et al.—Purchase and Related Trackage Rights—Chicago Missouri & Western Railway Co. Rail Line Between St. Louis, MO and Chicago, IL

An environmental assessment (EA) has been prepared for the above-entitled proceeding in which Rio Grande Industries, Southern Pacific Transportation Company, the Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corporation and Daniel R. Murray, Trustee of the Chicago, Missouri & Western Railway Company (CMW) have applied for our approval for SPCSL to acquire the CMW rail line between East St. Louis, IL and Chicago, IL. The proposal also includes the creation of a SPCSL–CMW joint facility, access to additional CMW served shippers through trackage rights over other railroads, the acquisition of several CMW branchlines, and two small construction/connection projects between existing rail lines. Applicants and the Trustee maintain that CMW is on the verge of cashlessness and the CMW system is threatened with an imminent shutdown of rail operations unless the proposed acquisition is consummated. The Bankruptcy Court, Northern District of Illinois, Eastern Division has called upon the Commission to act on this proposal within thirty days of the application, which was filed on August 25, 1989.

The EA concludes that the implementation of this proposal will not significantly affect the quality of the human environment or energy conservation. The proposed acquisition is the substitution of a stronger rail operator for a financially-troubled one. Applicants propose to preserve and improve rail service with only slight increases in future train activity, which will limit potential effects on the quality of the human environment. The proposed acquisition's insignificant effects were deemed preferable to the uncertain environmental effects of alternatives where freight and passenger service could be lost.

The EA will be served on all parties of record, and will be sent to the twenty Federal, state, and local agencies concerned with these matters. Other interested parties may receive copies of the EA upon request from the contact listed below.

Comments will be considered to the extent allowable by the Bankruptcy Court's request for expediency.

Send an original and two copies of comments referring to Finance Docket No. 31522, 31522 (Sub No. 1), et al.—Environmental Assessment to: (1) Dennis B. Wierdak, Section of Energy & Environment, Room 3216, Interstate Commerce Commission, Washington, DC 20423.

For further information, contact: Dennis B. Wierdak or Elaine K. Kaiser, Chief, Section of Energy & Environment, Telephone: 202–275–0800. [Assistance for the hearing-impaired is available through TDD services at (202)–275–1721.] FAX number: 202–275–9237.

Authority: 49 U.S.C. 13343–13344, 42 U.S.C. 4331–4335.

Noreta R. McGee,

Secretary.

[FR Doc. 89–22016 Filed 9–15–89; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

American Telephone and Telegraph Company; International Business Machines Corporation and Massachusetts Institute of Technology

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), American Telephone and Telegraph Company ("AT&T") on behalf of itself, International Business Machines Corporation ("IBM"), and Massachusetts Institute of Technology ("MIT") on August 17, 1989, has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing: (1) The identities of the parties to the joint venture and (2) the nature and objectives of the joint venture. The notification was filed for the purpose of invoking the Act's provision limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the joint venture, and its general areas of planned activities are given below.

On May 23, 1989, AT&T, IBM, and MIT entered into an agreement to form a Consortium for Superconducting Electronics, the purpose of which will be

to collaborate on research to gain further knowledge and understanding of technologies useful in connection with high transition-temperature superconducting electronics applications in high-speed and high-frequency circuits and sensitive instrumentation.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 89-21932 Filed 9-15-89; 8:45 am]

BILLING CODE 4410-01-M

Development and Demonstration of Seismic Sources for High Resolution Interwell Imaging

Notice is hereby given that, on August 14, 1989, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Southwest Research Institute ("SwRI") filed a written notification simultaneously with the Attorney General and the Federal Trade Commission of a project entitled "The Development and Demonstration of Seismic Sources for High Resolution Interwell Imaging". The notification discloses (1) the identities of the parties to the project and (2) the nature and objective of the project. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the project and its general areas of planned activities are given below:

The parties to the project are:

1. Etudes et Production Schlumberger
2. Exxon Production Research Company
3. Halliburton Company
4. Marathon Oil Company
5. Oryx Energy Company (formerly Sun Exploration and Production Company)
6. OYO Corporation
7. Phillips Petroleum Company
8. Texaco, Inc.
9. Union Oil Company of California

The purpose of the project is to develop and make available to all participants prototype state-of-the art borehole seismic instrumentation and to conduct cooperative field data acquisition, demonstration tests and experimental surveys. The major tasks involve: (1) The modification of the design of the existing 1000-joule arc discharge seismic source; (2) the construction of the new seismic source system; (3) the conducting of proof-of-performance tests in shallow boreholes on the grounds of Southwest Research Institute; and (4) the providing of documentation on the design, operation and maintenance of the probe system.

Membership in this group research project remains open, and the parties intend to file additional written notification disclosing all changes in membership of this project.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 89-21885 Filed 9-15-89; 8:45 am]

BILLING CODE 4410-01-M

Cooperative Research Agreement Between the Board of Regents of the University of Houston and the Microelectronics and Computer Technology Corporation

Notice is hereby given that, on August 16, 1989, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the University of Houston System and Microelectronics and Computer Technology Corporation filed a written notification simultaneously with the Attorney General and the Federal Trade Commission of an agreement entitled: "Cooperative Research Agreement Between the Board of Regents of the University of Houston and the Microelectronics and Computer Technology Corporation." The notification discloses: (1) The identities of the parties to the venture established by the agreement and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the venture and its general area of planned activity are given below.

The parties to the venture are as follows: The University of Houston; Microelectronics and Computer Technology Corporation; Boeing Company; Bell Communications Research, Inc.; Digital Equipment Corporation; E.I. Dupont de Nemours & Co.; Minnesota Mining and Manufacturing Company; Motorola, Inc.; and Westinghouse Electric Corporation.

The objective of the venture is to develop the science and technology of high temperature superconductivity, and possible commercial applications of high temperature superconductivity technology.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 89-21886 Filed 9-15-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant To CERCLA; Alchemtron, Inc.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on September 5, 1989, a proposed consent decree in *United States* v. *Alchemtron, Inc., et al,* Civil Action No. 88-2772, was lodged with the United States District Court for the Eastern District of Pennsylvania. The proposed consent decree resolves a judicial enforcement action brought by the United States against Alchemtron, Inc., Handy and Harman, Applied Technology, Inc., University Hospital of Cleveland, Uniroyal, Inc., Hercules Powder Company ("Settling Defendants") and others pursuant to section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9607(a).

In this action filed on April 1, 1988, the United States sought recovery of response costs incurred by the United States in connection with removal activities at the Pottstown Abandoned Trailer Site in Pottstown, Pennsylvania. The proposed consent decree requires the Settling Defendants to pay a total sum of $245,000 within 30 days from the date of entry of the decree, in satisfaction of and to settle all claims raised against the Settling Defendants in this lawsuit.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Alchemtron, Inc. et al,* D.J. Ref. 90-11-3-149.

The proposed consent decree may be examined at the office of the United States Attorney, Philadelphia Life Building, 13th Floor, Suite 1300, 615 Chestnut Street, Philadelphia, PA 19106, and at the Region III office of the United States Environmental Protection Agency, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1647, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the

amount of $1.10 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-21884 Filed 9-15-89; 8:45 am]

BILLING CODE 4410-01-M

National Center for Manufacturing Sciences, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* (the "Act"), the National Center for Manufacturing Sciences, Inc. ("NCMS") has filed an additional written noitification with the Attorney General and the Federal Trade Commission on August 10, 1989, concerning changes in the governance documents of the organization, the membership of the NCMS, and certain state-of-the-art investigations it has undertaken. The additional written notification was filed for the purpsoe of extending the protections of section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

By resolution on May 10, 1989 the NCMS Board of Directors agreed to allow qualified Canadian manufacturers to join as members of the NCMS and enacted other specified changes to the NCMS Bylaws and Policies and Procedures.

The following companies have become members of the NCMS since March 9, 1989:

Industrial Machining Services, Inc.
Remmele Engineering, Inc.

The following companies have resigned from membershp in the NCMS:

Hufcor, Inc.
Kayex Spitfire, a unit of General Signal Corporation
Prime Technology, Inc.
Recognition Equipment Incorporated
R F Monolithics, Inc.

Notification is hereby provided that the names of parties cited as NCMS members in a previous filing should be amended. Reference to "DeVlieg Machine Company," "Fabreeka Products Company" and "Gilbert Commonwealth, Inc. of Michigan" on April 14, 1988 should now refer to "DeVlieg, Inc.," "Fabreeka International, Inc." and "Gilbert Commonwealth, Inc." respectively.

Currently, the NCMS has awarded a number of state-of-the-art investigation contracts in the various manufacturing fields of production equipment design, analysis, testing and control, manufacturing data and factory control, manufacturing processes and materials, and manufacturing operations, information and technology transfer.

On February 20, 1987, NCMS filed its original notification pursuant to section 6(a) of the Act, notice of which was published by the Department of Justice ("the Department") pursuant to section 6(b) of the Act on March 17, 1987 (52 FR 8375). NCMS filed additional notifications on April 15, 1988 and May 5, 1988, notice of which was published by the Department on June 2, 1988 (53 FR 20194). NCMS also filed additional notifications on July 11, 1988, September 13, 1988, December 8, 1988 and March 9, 1989, notice of which the Department published on August 19, 1988 (53 FR 31771), November 4, 1988 (53 FR 44680), January 18, 1989 (54 FR 2006) and April 13, 1989 (54 FR 14878).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 89-21933 Filed 9-15-89; 8:45 am]

BILLING CODE 4410-01-M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. RM 87-7]

Cable Compulsory License Specialty Station and Significantly Viewed Signal Determinations; Policy Decision

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of policy decision.

SUMMARY: In response to petitions from members of the public to make certain determinations concerning the administration of the cable compulsory license, section 111, title 17, U.S.C., the Copyright Office published a Notice of Inquiry with respect to: (1) Possible changes in the list of specialty broadcast stations originally developed by the Federal Communications Commission; and (2) the determination of a station's "significantly viewed" status under the Federal Communications Commission's former must carry rules, which determination ultimately affects the calculation of cable royalties under the Copyright Act.

The Copyright Office announces the following policy decisions. First, with respect to specialty stations, the Office is adopting procedures whereby, through a combination of television broadcaster affidavits and public comment, an updated, annotated specialty station list will be established and amended periodically as stations qualify or cease to qualify as specialty stations under former FCC rules [47 CFR 76.5(kk)] in effect on June 24, 1981. Second, with respect to significantly viewed status, the Copyright Office has decided that the effective date is the date the FCC issues its determination that a particular television station is significantly viewed, but in the first accounting period when this decision is made, such broadcast signal will be treated as a local signal under the cable compulsory license for the entire accounting period.

EFFECTIVE DATE: September 18, 1989.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, (202) 707-8380.

SUPPLEMENTARY INFORMATION:

1. Specialty Station Issue

A. Background

On February 18, 1987, the Copyright Office received from the Motion Picture Association of America, Inc. ("MPAA") a request that the Copyright Office issue a new listing of specialty stations because the list of specialty stations identified in 1976 by the Federal Communications Commission ("FCC") is substantially out of date. Specialty station status is significant in the administration of the cable compulsory license because a cable system may carry the signal of a television station classified as a specialty station under the FCC's regulations in effect on June 24, 1981, at the relevant non-3.75% royalty rate for "permitted" signals. *See* 49 FR 14944, 14951 (April 16, 1984), and section 111 of the Copyright Act of 1976, title 17 of the U.S. Code.

In its request MPAA argued that since the time the Appendix B list of specialty stations was compiled at the FCC, the television industry has changed considerably and that the changed circumstances compel reexamination of which stations meet the programming requirements for continued identification as specialty stations. The MPAA requested that the Copyright Office instigate the revision and continued updating of the list so that the list reflects the current specialty programming broadcast by television stations.

On March 18, 1987, the Copyright Office received from the Christian Broadcasting Network, Inc. ("CBN"), comments in opposition to MPAA's request. CBN argues that, in accordance with the terms of the Copyright Royalty Tribunal's ("CRT") 1982 rate adjustment, the carriage by any cable system of any signal lawfully permitted to be carried by a cable system on June 24, 1981, is exempt from the 3.75% rate, regardless of later changes in the nature of

programming on that signal. As a rationale for this argument, CBN contended that "the CRT regulation applies to signals, without regard to their content."

CBN also argued that its position is supported by the Copyright Office interpretation of the CRT rate adjustment expressed in the preamble to the Office's April 16, 1984 interim regulations. 49 FR 14944, 14951. (Copyright Office found that "the relevant non-3.75% rate applies to carriage of an unlimited number of specialty stations identified as such as the FCC on June 24, 1981").

Finally, CBN argued that carriage by a cable system of the signal of a station that was a specialty station on June 24, 1981 can never be subject to the 3.75% rate because the 3.75% rate adjustment can only apply to additional distant signal equivalents resulting from carriage of a formerly restricted signal. CBN reasoned that, since carriage of specialty station signals had been permitted without limitation under the FCC's former distant signal carriage rules, there cannot be an "additional" distant signal equivalent resulting from carriage of a specialty station as a result of the FCC's 1980 cable deregulation, and the CRT does not have the authority to impose an increased royalty rate on carriage of a signal that qualified as a specialty station on June 24, 1981.

On February 25, 1988, the Copyright Office published a Notice of Inquiry to invite interested parties to address any issues relevant to the determination of policy on how, for purposes of administering the cable compulsory license, the Office should determine the specialty station status of a particular television broadcast station. [53 FR 5591] The Office indicated its initial agreement with the MPAA's position that specialty station status for purposes of applying the cable compulsory license should depend upon the current specialty programming broadcast by the station. This would give meaning to the FCC regulations in effect on June 24, 1981, which looked to a changing group of specialty stations as circumstances warranted, and which were established to encourage cable systems to further the goal of diversity in programming for public benefit. The Office preliminary agreed that just as the cable compulsory license mechanism is flexible enough to respond to market changes and the existence of stations that newly become significantly viewed in a particular community, so is it flexible enough to reflect the changed status of a specialty or nonspecialty station. [53 FR 5592]

However, the Office also indicated its reluctance to engage in specific procedures for verifying the specialty status of particular stations. The Office believed such procedures would be costly to administer and would further involve the Office with responsibilities that may properly belong to the FCC. [53 FR 5592] The Office proposed, as an alternative to establishing verification procedures, a policy of accepting without question a claim filed by a cable system that a particular station was carried on a specialty station basis, so long as the statement of account is accompanied by a specific affidavit in which the system operator swears that the station so carried qualifies as such under the definition established by the former FCC rules at 47 CFR 76.5(kk), in effect on June 24, 1981.

B. Public Commentary

Seven commentators address the specialty station issue. Of these seven, only two commentators, the representative of several cable systems and CBN, suggest that the FCC's specialty station list should not be changed. CBN's position did not change from its arguments made in opposition to MPAA's request. Rather than attempting to analyze or interpret the FCC's former specialty station policy, CBN's main focus is an analysis of the CRT's 3.75% rate adjustment and the Copyright Office's interpretation of that adjustment. CBN's main concern is that if a station formerly designated as a specialty station and carried by systems at the base rate fee for distant signals falls out of the specialty station classification, the system would have to apply the 3.75% rate for carriage of the signal even though the signal was being carried at the base rate fee prior to deregulation.

The other commentator echoes this theme and argues that where a specialty station does change format, it would be consistent with the FCC's policy not to displace stations to which cable subscribers have grown accustomed for the Copyright Office to adopt a policy whereby "stations [formerly specialty stations] which appear on Statements of Account are presumed exempt from the 3.75% penalty." (Comment No. 2 at 10.) This commentator does acknowledge that the FCC's specialty station policy anticipated that some stations would fall into and out of specialty station status. However, it argues that, in practice, the FCC never required deletion of a specialty station which changed formats.

One commentator declines to take a position on whether the FCC's specialty station list should reflect updated information on the current programming of the relevant stations. The remaining four commentators, including two representatives of copyright owners and two broadcasters, all agree with the Copyright Office's preliminary assessment that specialty station status should depend upon the current specialty programming broadcast by a station.

The five commentators not affirmatively insisting that the specialty station list remain frozen in its 1,981 composition suggest three different alternatives by which the Copyright Office might resolve the specialty station issue. The first alternative is the Copyright Office affidavit proposal. Only one commentator representing copyright owners supports the Copyright Office's proposal, with certain modifications. That commentator contends that the Office should specify that a cable system must certify in the affidavit that the station at issue carried the requisite specialty programming for at least one month during the relevant period. Under this proposal, to receive the benefits of the lower rates applicable for carriage of a specialty station, the cable system would be obliged to engage in the same kind of programming review that was formerly undertaken by the FCC. This commentator contends that both the review procedure and the certification requirement should be provided for in Copyright Office regulations. [Comment No. 8 at 12–14]

The other commentators (with the exception of CBN, which did not address the proposal) reject the Office's affidavit proposal because: (1) The FCC's specialty station rules provided that the burden was on parties opposing the specialty station status of a particular station, and not the cable system carrying the station, to prove that a station lost its specialty status; thus, putting the burden of certifying the status on cable systems would violate the FCC's policy; (2) the affidavit proposal would result in multiple cable system responses for each alleged specialty station, some of which might conflict if indivdual system operators reach different conclusions about the specialty status of the same station—and the potential conflicts would not be resolved by the Office until some time after the relevant royalty payments are due; (3) cable systems are not in possession of the best information as to whether a station qualifies as a specialty station, and might have to rely on indirect and often inaccurate sources such as programming guides; (4) it is burdensome for cable systems to file such an affidavit each accounting period—this is especially true in light of

the FCC's policy decision not to engage in annual review of its specialty station list.

The second proposal was offered jointly by MPAA and the National Cable Television Association ["NCTA"]. Although the two commentators "have distinctly different views concerning the scope of the Copyright Office's authority to interpret and enforce the Copyright Act and to verify information submitted in Statement of Account forms," (Comment No. 11, at 1), both parties propose a cooperative, inter-industry approach to the specialty stations issue. They suggest that the MPAA and NCTA work together to prepare an updated list identifying those stations whose programming currently meets the FCC's former definition of specialty station. They propose that they submit the list to the Copyright Office and that the Copyright Office publish the list in the Federal Register.

MPAA and NCTA contend that the purpose of the list would be informational only and that the list would not have the force of a Copyright Office regulation. Thus, they submit that if a cable operator characterizes as a specialty station a signal not included on the most recently published list, the Copyright Office should question the characterization but accept the Statement of Account. Stations not contained on the MPAA–NCTA list could submit to the Office an affidavit attesting to the fact that they currently offer programming which qualifies them for specialty status under the FCC's former definition. MPAA suggests that the industries would make a general review of programming content every three or four years, but that in interim years, the office can rely on affidavits filed by individual stations that move into or out of specialty station status. MPAA and NCTA contend that this alternative would put no administrative burden on the Copyright Office, but would provide a clear set of guidelines for cable systems and reduce substantially the possibility of disputes about whether stations were properly classified on individual statements of account.

The third alternative was raised by a broadcaster and supported by another broadcaster. The broadcaster commenter proposes that the Copyright Office issue a public notice inviting interested television station licensees to respond with sworn affidavits indicating that in the preceding calendar year the programming of their stations satisfied the requirements for specialty station status. The Copyright Office could compile a list of the stations claiming specialty station status, publish the list in the Federal Register, and repeat the procedure in subsequent years to update the list. This commentator contends that such a lists would provide valuable information to the public while eliminating the necessity for cable system operators to provide duplicative or conflicting affidavits. It further claims that recourse would be available "both criminally and civilly against television licensees in the unlikely event that an affidavit contained false information." (Comment No. 5 at 6.) The broadcaster commentator making these proposals would support the MPAA–NCTA suggestion as a second choice.

C. Policy Decision

The Copyright Office is convinced that the majority of commentators are correct: The Office should as a policy matter look to a station's current programming content to determine whether it qualifies as a specialty station under the cable compulsory license. The Office disagrees with the two commentators that contend that a station formerly qualifying as a specialty station can be carried at the base rate fee for distant signals after the station loses its specialty status merely because no new DSE is created by the loss of that status. Although the Office does look first to actual carriage of a signal prior to June 25, 1981, as an indication of whether carriage is subject to the 3.75% rate, the Office will then look to see if carriage of the signal would have been permitted by the FCC on June 24, 1981, in the same way as at the present time. Clearly under the FCC's former rules, if a station did not qualify as a specialty station at a given time, the FCC would (at least theoretically—no cases are found on either side of the issue) not consider the station to be a specialty station. That being the case, carriage of the signal would not have been permitted in the same way by the FCC (prior to deregulation) as the system now intends to carry it (i.e. carriage as a non-specialty station), and the 3.75% fee should apply.

The Office has decided that neither our initial proposal nor any of the three alternatives for an updated classification of specialty stations proposed by the commentator's should be adopted exactly as proposed. However, the Office has decided to adopt a solution that blends the MPAA–NCTA proposal and the broadcaster proposal. We have decided to reject our affidavit proposal because of all the reasons listed by the majority of commentators.

While the MPAA–NCTA proposal has a very attractive feature—the agreement between the cable industry and copyright owners, their proposal does not represent the third interested group—broadcasters. Likewise, the broadcaster proposal does not give copyright owners or cable systems a public forum to register their views on which stations are specialty stations. Thus, the Office has adopted a policy that, in effect, merges their two proposed alternatives.

The hybrid alternative would begin with the broadcaster proposal: the Copyright Office will today publish a Request for Information to solicit from eligible television broadcast stations affidavits stating that in the preceding calendar year the station qualified as a specialty station under the FCC's specialty station definition. When the affidavits are received the Office will compile and publish a preliminary list of stations claiming specialty station status.

Going beyond the broadcaster proposal, the Office will both publish the list and at the same time request interested parties to comment upon the list. This will give MPAA and NCTA, cooperatively or separately, a chance to publish their views as to the accuracy of the list, inluding their views on whether particular stations on the preliminary list do not in fact qualify as specialty stations as well as their views on whether stations not on the preliminary list do so qualify. The Office will then publish an annotated list of stations claiming specialty status that includes references noting any public objections to a station's claim. With such an annotated list on the public record, cable systems can make an informed decision as to whether the MPAA or any other party might contest the system's carriage of a particular station on a specialty basis.

The Office will repeat this procedure every three years upon the formal request of an interested party. In the interim period, the Office will accept affidavits from stations that claim specialty status and use those affidavits to update its list of specialty stations in accordance with MPAA's suggestion.

As a policy matter, Copyright Office licensing examiners will use the annotated list in the same way they have used the FCC's 1981 list. If a cable system claims specialty station status for a station not on the list, the examiner will look to see if the station has filed an affidavit since publication of the list. Likewise, if the system claims specialty station status for a station that is annotated on the list to show that its

specialty station status is contested, then the examiner will inform the system by letter that the particular party objects to the specialty characterization.

This policy meets the Copyright Office's concern for administrative efficiency, gives all parties an opportunity to share their views with the public, gives NCTA and MPAA a chance to cooperate in their assessment of station's specialty station status, and allows new broadcast stations an opportunity to serve the public by broadcasting specialty progamming while also having the opportunity to be carried by cable systems at the base rate.

2. The Significantly Viewed Station Issue

A. Background

Under the FCC's must-carry rules in effect until 1985, cable systems were required to carry on a must-carry basis the signals of commercial broadcast stations that were significantly viewed in communities in which the systems were operating. 47 CFR 76.57(a)(4), 76.59(a)(6), 76.61(a)(5)(1982). Because of their former must-carry status under communications law, significantly viewed signals are considered local signals under the definition of "local service area of a primary transmitter" in section 111(f) of the Copyright Act. Thus, a cable system's carriage of a significantly viewed signal does not incur distant signal royalty liability under the cable compulsory license.

Until the invalidation of the FCC's pre-1986 must-carry rules,[1] the Copyright Office's Licensing Division examiners verified the significantly viewed status of stations in the community of a particular cable system by first referring to Television Digest's *Cable and Station Coverage Atlas* for the relevant year. If a system claimed significantly viewed status for a station not listed as significantly viewed in the *Atlas*, the examiner would ask the cable system to provide evidence that the FCC considered the station significantly viewed. The FCC generally issued a notice of the significant viewership of a station in a particular area.

At the time that the FCC's must-carry rules were first struck down by the United States Court of Appeals for the District of Columbia Circuit in the *Quincy* decision, the FCC was reluctant to offer any formal determinations on whether particular signals would have been considered must-carry signals for certain cable systems under the former rules. As a result, the Copyright Office received requests that the Office implement a new procedure for determining when a particular broadcast station is significantly viewed. Although the Commission has resumed its former practice on verification of significant viewership, the FCC did cease making such verifications for some time, and the Copyright Office was concerned that the FCC might cease to do so again.

On February 25, 1988, the Copyright Office published a Notice of Inquiry to invite commentary on all issues relevant to the determination of policy on how, for purposes of administering the cable compulsory license, the Copyright Office should determine the significant viewership status of a particular television broadcast station in a particular case. [53 FR 5592] The Office specifically invited commentary on the issue of when significantly viewed status arises for purposes of calculating royalties—at the time the appropriate surveys are evaluated by some governmental authority, or at some other time. The Copyright Office has traditionally taken the view that significantly viewed status arises, for purposes of the cable compulsory license, at the time the FCC issues a formal determination of the significantly viewed status of a particular television broadcast station in a particular area.

The Office also raised for comment an issue that arises when a station's significantly viewed status changes in the middle of an accounting period: To what extent is carriage of the signal prior to the status change considered carriage of a distant signal? If the signal is carried for part of an accounting period on a "distant" basis prior to the change to significantly viewed status, should the DSE be applied for the entire accounting period pursuant to 37 CFR 201.17(h)(3)(i)?

B. Public Commentary

Determination of Significantly Viewed Status

Five commentators, including two representing cable interests, one representing broadcasters, one representing copyright owners, and the FCC, take the position that the Copyright Office should not attempt to institute a procedure for the determination of significantly viewed status. These parties note that the FCC has been processing requests for determination of significant viewership since January of 1986 and that the FCC is unlikely to discontinue making such determinations because the significantly viewed standard is now relevant under the FCC's regulations implementing the Cable Communications Policy Act of 1984,[2] and it may be relevant under its syndicated exclusivity rules.[3] The FCC itself states that, "we intend within the budget restraint imposed on us all to continue to process such requests (for determination of significantly viewed status) expeditiously." (Comment No. 7, p. 1.)

In light of these facts, these commentators argue that the Copyright Office should allow the FCC to interpret its own technical rules [4] to avoid "an administrative nightmare" that might lead to conflicting or duplicative rulings. The two cable interests taking this viewpoint also argue that the Copyright Office does not have the authority to regulate matters touching on communications policy.

Two commentators representing broadcasters submit that due to the uncertain future of official FCC verifications that a television station is significantly viewed in a cable system's community or county, within the meaning of 47 CFR 76.5(k), the Copyright Office should adopt a simple procedure to allow a cable system to aver that a television signal carried by the system is significantly viewed. These parties contend that the Office should accept the claim of a cable system that a particular television station is carried on a significantly viewed basis so long as the system's statement of account is accompanied by an affidavit by the cable operator certifying that the station meets the significantly viewed definition at 47 CFR 76.5(k). A third commentator, representing copyright proprietors, urges

[1] See *Quincy Cable TV, Inc.* v. *FCC*, 766 F.2d 1434 (D.C. Cir. 1958), *cert. denied sub nom. National Ass'n of Broadcasters* v. *Quincy Cable TV, Inc*, 106 S.Ct. 2889 (1986). A second set of modified must-carry rules has also been invalidated by the court in *Century Communications Corp.* v. *FCC*, 836 F.2d 599 (DC Cir. 1987).

[2] *See* 47 CFR 76.33 (the "effective competition rule"). One commentator notes that the FCC recently announced that it would continue using the Grade B contour and the significant viewing concept as the measures of signal availability for determining whether a cable system faces effective competition under the Cable Act (*see FCC News Release No. 2259* (March 24, 1988). While the FCC altered the basis upon which significant viewing is assessed in this context, to require viewership data in the cable community rather than, as specified in the 1976 rules, in the county of the cable systems, this commentator argues there is no reason why the FCC would not continue to determine the significant viewing status on the basis of county data upon request. (Comment No. 5, p. 7, n. 11.)

[3] *See* 47 CFR 76.92(f), Report and Order in FCC Gen. Docket No. 87–24 Report and Order in FCC Gen. Docket No. 87–24 (Adopted May 18, 1988; effective August 18, 1989).

[4] One commentator lists a number of acrane issues the FCC is routinely called upon to decide in determining significantly viewed status (i.e. has a statistically reliable survey been conducted on a community-by-community basis? has the applicant met standard duration requirements?) *See* Comment No. 2, pp. 2–4.

us to adopt such a procedure only regarding "those cases where the FCC has not made a [specific] determination [of significant viewing status]." (Comment No. 8 at 10.)

Determination of When Significantly Viewed Status Arises for Purposes of the Calculation of Cable Compulsory License Royalties

The commentators address the two aspects of this issue raised in the Notice of Inquiry: (1) Whether significantly viewed status arises on the date the first survey required by 47 CFR 76.54 is begun (assuming all criteria were met by the later surveys), on the date the last survey so required is completed, or on the date the FCC makes a determination; and (2) whether, when the date that significant viewership status arises (as determined in the above inquiry) falls in the middle of an accounting period, the significantly viewed signal should be considered as local for the entire accounting period or distant for the entire accounting period.[5]

Regarding the effective date of establishing significant viewing status, four commentators contend that significantly viewed status should arise on a date that is linked to the timing of the surveys required by § 76.54 of the FCC's rules. A representative of cable interests argues that a station should be deemed significantly viewed "for any accounting period on which the significant viewing data is premised." (Comment No. 2 at 6.) That commentator argues that such a policy would give meaning to the intention of the Act to exempt from royalties signals which are not carried beyond local viewing areas.

Two commentators representing broadcast interests similarly contend that:

> Where (i) three consecutive audience surveys are taken in accordance with the FCC's rule, and all three surveys demonstrate that a distant television signal's viewership in the relevant county or community exceeds the levels set forth in the FCC's rule, (ii) no survey results suggest actual viewership at any time that falls below those levels, (iii) the surveys demonstrate actual viewership *substantiolly* in excess of those levels, and (iv) no question is raised or challenge is lodged against the surveys or their methdology, then . . . the point in time at which significantly-viewed status attaches is no later than the conclusion of the final survey period, and should even be considered to be at the commencement of the first survey period.

(Comment No. 1 at 10; Comment No. 4.)

NCTA would appear to take a similar view.[6] The quoted commentator reasons that if the survey results establish the existence of the fact in question, i.e. significant viewership, then a delay in a governmental agency's issuance of its acknowledgement of that fact should not have the effect of delaying the benefits to private parties that flow from the earlier-arising existence and proof of the fact.

The FCC and two commentators representing copyright owners contend that significantly viewed status should arise for copyright purposes on the date the FCC makes its determination. None of these parties gives a rationale for this position, nor attempts to rebut in reply comments the position of the cable and broadcaster commentators.

Regarding the second aspect of the date issue, seven of the eight parties commenting in this proceeding agree that when the date that a signal's significantly viewed status arises falls in the middle of an accounting period, the signal should be considered local for the entire accounting period. Only a commentator repesenting a copyright owner argues that such a signal should be considered distant for the entire period. Two of the seven commentators contend more specifically that the Copyright Office should adopt a rebuttable presumption that the signal is local for the entire period. (Comment No. 1 at 14; Comment 9 at 4.) One commentator offers as a rationale for the majority view the fact that "viewership levels sufficient to establish a station's signal as being significantly viewed are unlikely to have changed so dramatically in the course of a six-month accounting period, such that a signal determined to have been significantly viewed at some point in the course of an accounting period was not enjoying roughly equivalent levels of veiwership from the outset of the period."[7] (Comment No. 1 at 14–15.)

To rebut the argument that carriage of a signal which is determined to be significantly viewed in the middle of an accounting period should be considered distant for the entire period to avoid improper proration of a DSE, the other commentator representing copyright owners states:

> [We agree] that a distant station carried during any part of an accounting period must be assigned full DSE value for the entire period. Creating a limited presumption for the significantly viewed survey situation does not, in [our] view, erode the validity of the general rule, but rather recognizes that the significantly viewed survey results are the product of sustained levels of veiwership over time.

(Comment No. 9 at 4.)

On the isue of the effective date of significant viewership in general, broadcaster commentator relates its own experience by way of example for its views. The commentator owns and operates a UHF commerical television broadcasting station located in Omaha, Nebraska. The station first signed on the air on April 6, 1986 and covered much of Lancaster County, Nebraska. The commentator believed it was vital to the economic success of the station at issue to be carried on a Cablevision cable system serving Lincoln, the second largest city in its signal carriage area. However, under the FCC's former distant signal carriage rules, the station would not be a must-carry signal to the Lincoln system unless it was significantly viewed in Lincoln. The commentator thus agreed to indemnify the system for copyright royalty liability the system accrued for carriage of the station until such time as it was declared significantly viewed in Lincoln.

The commentator arranged for the A.C. Nielson Company to make the appropriate surveys. Nielson scheduled surveys in May, July, and November of 1986. Throughout the period, the commentator's independent research determined that the station's signal was being viewed in Lancaster County at levels well in excess of the FCC's requirements for significantly viewed status. This was confirmed by Nielson's report rendered on December 15, 1986. The commentator filed the report with the FCC on December 18, 1986. The FCC declared the station significantly viewed in Lancaster County on January 21, 1987.

This commentator argues that since Nielson data demonstrated that the station was in fact significantly viewed in Lincoln as early as May of 1986, it is unfair that the station's signal should be considered distant to the Lincoln system in accounting periods 1986–1, 1986–2 and 1987–1 for purposes of computng

[5] Only one commentator suggested as an alternative solution that the signal should be considered distant for part of the accounting period and local for the other part. (Comment No. 1 at 15)

[6] NCTA states that "where a station's significantly viewed status is based on viewership surveys taken during the middle of an accounting period, the station will be deemed a 'local' station for that entire accounting period." (Comment No. 6 at 10.) This suggests NCTA would base status on the timing of the surveys, but does not specify whether status should arise at the commencement of the first survey or the conclusion of the last.

[7] This commentator suggests as an alternative that the Copyright Office prorate the cable system's royalty obligations for the accounting period in question, taking into account the fact that the carriage of the signal on a distant basis ended on the date on which the signal's significantly-viewed status attached.

royalties under the cable compulsory license.

C. Policy Decision

The Copyright Office agrees with the majority of commentators (five out of eight) that the Office should not attempt to institute a new procedure for the determination of significantly viewed status since the FCC has apparently resumed making determinations of significant viewership status and plans to continue doing so in the future.

The Office has decided to look to the date the FCC issues its determination that a particular station is significantly viewed in the community of a particular cable system as the relevant date for determining a cable system's copyright liability for carrying a signal on a significantly-viewed basis. Although we are sympathetic to the argument that a signal is actually "local" for copyright purposes as soon as the surveys establish that it meets the FCC's standards because the signal was in fact only delivered with a standard viewing area (and not a "distant" area), the Office concludes that the station could not have insisted upon its signal being carried by the system under the FCC's former rules until the date the FCC issued its determination of significantly viewed status.[8] This rationale is consistent with the Copyright Officer's interpretation of the definition of "local service" area under section 111(f) and the FCC's former must-carry rules, the Office adopted that interpretation at least as early as 1984 when we recieved questions concerning implementation of the CRT's 3.75% rate adjustment.

However, the Office agrees with the majority of commentators (Seven out of eight) that if the FCC determines that a particular signal is significantly viewed in an area served by a particular cable system in the middle of an accounting period, the system should be able to report the signal as "local" for the entire accounting period. This decision does not detract from the general rule that a full DSE must be paid for carriage of a distant signal at any time during an accounting period.

The decision represents a limited presumption that by the time the FCC makes its significantly viewed determination, the signal was de facto a local signal for many months. This limited presumption seems justified to avoid penalizing cable system and broadcaster interests for any delay in processing significantly viewed petitions. The presumption does not materially harm copyright owner interests (as one such commentator recognized) since, by adopting the FCC's determination as the effective date of significant viewership, copyright owners in effect get the benefit of the latest possible date for the change from distant to local status. Only on accounting period is affected under our decision, even though the surveys may cover 2 or more accounting periods.

Dated: August 28, 1989

Ralph Oman,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 89-21716 Filed 9-15-89; 8:45 am]

BILLING CODE 1410-08-M

[8] This policy is advisable since, as one commentator pointed out in the context of arguing that the FCC should make the determination, the FCC "is routinely called upon to rule upon arcane issues within the peculiar expertise of the FCC." (Comment No. 2, 3.) Thus, while surveys are important to the determination, other factors that the FCC might consider could influence the FCC's decision, and only that decision itself renders the station a significantly viewed station.

[Docket No. RM 87-7B]

Cable Compulsory License Specialty Station Determination Request for Information

AGENCY: Copyright Office, Library of Congress.

ACTION: Request for information.

SUMMARY: Pursuant to the Copyright Office policy decision in Docket RM 87-7 issued today the Copyright Office requests that all interested television broadcast stations that claim to qualify as a specialty station, under the former distant signal carriage rules of the Federal Communications Commission at 47 CFR 76.5[kk] (1981), submit to the Office sworn affidavits stating that in the preceding calendar year the programming of their stations has satisfied those FCC requirements for specialty station status.

DATE: Affidavits should be received on or before December 18, 1989.

ADDRESS: The sworn affidavit should be addressed, if sent by mail to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Department 17, Washington, DC 20540.

If delivered by hand the affidavit should be brought to: Office of the General Counsel, U.S. Copyright Office, James Madison Memorial Building, Room 407, First and Independence Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Department 17, Washington, DC 20540. Telephone: (202) 707-8380.

SUPPLEMENTARY INFORMATION: Today the Copyright Office published a notice of policy decision in Docket No. RM 87-7 concerning the determination of specialty station status for purposes of calculating royalties under the cable compulsory license at section 111, title 17 U.S.C. The Copyright Office determined that a television broadcast stations' current programming content should dictate whether the station qualifies as a specialty station under the cable compulsory license. Accordingly, the Office recognizes that the FCC's list of specialty stations dating back to 1981 should be revised now and periodically in the future. However, the Office believes that, for policy reasons, it should not itself verify the specialty station status of particular stations.

The Copyright Office decided instead to collect and publish the views of the public as to which stations qualify as specialty stations, to provide guidance to cable systems interested in retransmitting specialty stations to their subscribers. The Office will thus compile a list incorporating the views of the public in a three-part process.

First, the Office will solicit from eligible television broadcast stations affidavits stating that in the preceding calendar year (1988) the station qualified as a specialty station under 47 CFR 76.5(kk)(1981). By this Notice, we request that any television broadcast station which considers itself a specialty station under the referenced FCC rules shall submit to the Copyright Office a simple affidavit by an appropriate official within 90 days. We specify no particular format for the affidavit.

Second, following the 90 day period, the Office will compile and publish in the Federal Register a preliminary list of the stations that filed these affidavits. At the same time we will solicit from other interested parties their views as to whether particular stations on the preliminary list do not in fact qualify as specialty stations and whether stations not on the preliminary list do in fact so qualify.

Third, the Office will publish in the Federal Register a final annotated list of specialty stations that includes references noting any public objections to a station's claim.

As a policy matter, Copyright Office licensing examiners will refer to the final annotated list in examing cable systems' claims on their statements of account that particular stations are specialty stations.

This Request for Information concerns the first step of the three-part process. The Office invites all interested operators or representatives of television broadcast stations to submit to the Office sworn affidavits stating that in the preceding calendar year the programming of their stations has satisfed the programming requirements of 47 CFR 76.5(kk)(1981), the Federal Communications Commission's former rule defining a "specialty station," so that their station qualifies as a specialty station for purposes of computing royalties under the cable compulsory license at section 111 of the Copyright Act of 1976.

Dated: August 28, 1989.

Ralph Oman,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 89-21715 Filed 9-15-89; 8:45 am]

BILLING CODE 1410-08-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (89-63)]

NASA Advisory Council; Renewal

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of renewal.

SUMMARY: Pursuant to section 14(b)(1) of the Federal Advisory Committee Act, Public Law 92-463, and after consultation with the Committee Management Secretariat, General Services Administration, the National Aeronautics and Space Administration has determined that renewal of the following NASA advisory committees is in each case in the public interest in connection with the performance of duties imposed upon NASA by law:

NASA Advisory Council (NAC);

Aeronautics Advisory Committee;
Aeronautics Advisory Committee, Subcommittee on Aviation Safety Reporting System;
History Advisory Committee;
Aerospace Medicine Advisory Committee;
Space Science and Applications Advisory Committee;
Space Systems and Technology Advisory Committee;
Space Station Advisory Committee;
Commercial Programs Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Dr. Sylvia D Fries, National Aeronautics and Space Administration, Code ADA-2, Washington, DC 20546 (202/453-8766).

SUPPLEMENTARY INFORMATION: The function of the Council is to consult with and advise the NASA Administrator or designee with respect to plans for, work in progress on, and accomplishments of NASA's aeronautics and space programs.

Dated: September 7, 1989.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 89-21909 Filed 9-15-89; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATE: Comments on this information collection must be submitted by October 18, 1989.

ADDRESSES: Send comments to Mr. Jim Houser, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW., Room 3002, Washington, DC 20503; (202-395-7316). In addition, copies of such comments may be sent to Mrs. Anne C. Doyle, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue NW., Washington, DC 20506; (202-682-5401).

FOR FURTHER INFORMATION CONTACT: Mrs. Anne C. Doyle, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue NW., Washington, DC 20506; (202-682-5401) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The Endowment requests the review of a new collection of information. This entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: Final Descriptive Report for the Expansion Arts Program's Comunity Foundation Initiative

Frequency of Collection: Annually

Respondents: Non-profit institutions

Use: Information is required on the development and management of the Community Foundation Initiative programs developed by participating community foundations. The information is necessary for the accurate and fair review of applications under this four-year cycle grant.

Estimated Number of Respondents: 20

Average Burden Hours Per Response: 4

Total Estimated Burden: 80

Anne C. Doyle,

Administrative Services Division, National Endowment for the Arts.

[FR Doc. 89-21934 Filed 9-15-89; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Tennessee Valley Authority; Environmental Assessment and Finding of No Significant Impact

[Docket Nos. 50-259, 50-260 and 50-296]

The U.S. Nuclear Regulatory Commission (NRC/the Commission) is considered issuance of temporary amendments to Facility Operating License Nos. DPR-33, DPR-52 and DPR-68 to the Tennessee Valley Authority (TVA/the licensee), for the Browns Ferry Nuclear Plant, Units 1, 2 and 3, located at the licensee's site near Decatur, Alabama.

Environmental assessment

Identification of Proposed Action

The proposed temporary amendments would revise the Browns Ferry Nuclear Plant Technical Specifications (TS) to permit operation of Unit 2 for one cycle before all necessary design modifications to the Control Room Emergency Ventilation System (CREVS) are completed.

The proposed temporary amendments are in accordance with the licensee's application for temporary amendments dated February 14, 1989, as supplemented by letter dated July 14, 1989.

The Need for the Proposed Action

The proposed changes address a design flaw in the CREVS identified by

the licensee. Under the licensee's bounding accident event, the CREVS is postulated to not be able to provide filtered aid to control room and emergency personel. The proposed changes would state that the CREVS is considered to be inoperable because it does not meet its design basis for essentially zero unfiltered in-leakage. The requested changes would permit, with NRC approval, the operation for Unit 2 for one cycle, without all modifications completed to meet the bounding accident event identified by the licensee.

Environmental Impact of the Proposed Action

The Commission has completed its evaluation of the proposed revisions to the Technical Specifications. The staff concludes that the safety consideration associated with operation of Unit 2 before all necessary design modifications to CREVS have been completed would not adversely affect plant safety. The proposed changes have no adverse effect on the probability or consequences of any accident previously analyzed. No changes are being made in the types or amounts of any radiological effluents that may be released offsite. There is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant environmental impact.

With regard to potential non-radiological impacts, the proposed amendment involves systems within the restricted area as defined in 10 CFR part 20. It does not affect non-radiological plant effluents and has not other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendment.

The Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the Federal Register on April 18, 1989 (54 FR 15572). The licensee's letter of July 14, 1989 provided clarification that the projected radiation doses to control room operators and Technical Support Center personnel were within the acceptable limit as defined in 10 CFR part 50, appendix A, General Design Criteria 19. No requests for hearings were received and the State of Alabama did not have any comments.

Alternative to the Proposed Action

Since the Commission has concluded that there are no significant environmental impacts that would result from the proposed action, any alternatives with equal to or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested temporary amendments. This would not reduce the environmental impacts and would result in a delay in the Unit 2 restart.

Alternative Use of Resources

These actions associated with the granting of the proposed temporary amendments as detailed above do not involve the use of resources not previously considered in connection with the Final Environmental Statement (FES) (construction permit and operating license) for the Browns Ferry Nuclear Plant, Units 1, 2 and 3, dated September 1, 1972.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's submittal that supports the proposed temporary amendments discussed above and did not consult other agencies or persons.

Finding of No Signficant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed temporary amendments.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for the temporary amendment changes dated February 14, 1989, as supplemented by letter dated July 14, 1989, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., (Lower Level), Washington, DC, and at the NRC's Local Public Document Room located at the Athens Public Library, South Street, Athens, Alabama 36511.

Dated at Rockville, Maryland this 11th day of September 1989.

For the Nuclear Regulatory Commission.

Suzanne C. Black,

Assistant Director for Projects TVA Projects Division Office of Nuclear Reactor Regulation.

[FR Doc. 89-21957 Filed 9-15-89; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Safety Philosophy, Technology, and Criteria; Meeting

The ACRS Subcommittee on Safety Philosophy, Technology, and Criteria will hold a meeting on September 26, 1989, Room P-110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, September 26, 1989—1:30 p.m. until 4:30 p.m.

The Subcommittee will discuss the preparation of a joint paper which gives the ACRS and NRC staff position on the concept of adequate protection.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Dean Houston (telephone 301/492-9521) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: September 8, 1989.

Gary R. Quittschreiber,

Chief, Project Review Branch No. 2.

[FR Doc. 89-21876 Filed 9-15-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

GPU Nuclear Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 35 to Facility Operating License No. DPR-73 issued to GPU Nuclear Corporation (the licensee), which revised the Technical Specifications for operation of the Three Mile Island Nuclear Station Unit 2 located in Dauphin County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment modifies Appendix A Technical Specifications by deleting the prohibition on disposal of the accident generated water (AGW) at the plant. In 1986 the licensee submitted a plan to dispose of the AGW by forced evaporation and atmospheric release of the 2.3 million gallons of AGW resulting from the March 28, 1979, accident at TMI-2. The NRC staff updated the 1981 Programmatic Environmental Impact Statement (PEIS) in June 1987 with the publication of the final Supplement 3 to the PEIS dealing with disposal of the AGW.

On February 25, 1987, the licensee requested a change to the Technical Specifications deleting the prohibition for disposal of the AGW. This request to amend the license was revised on April 13, 1987.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the Federal Register on July 31, 1987 (52 FR 28626). A hearing before an Atomic Safety and Licensing Board Panel (ASLBP) was held in November 1988. On February 2, 1989, the ASLBP issued a final initial decision finding in favor of the licensee in all relevant matters and recommending that the requested amendment to the license be authorized. On April 13, 1989, the Commission affirmed the Licensing Board's February 3, 1989, decision and determined that the licensee's application for an operating license amendment, when issued by the staff, should become effective immediately. The Commission found no reason to stay the effectiveness of the Licensing Board's decision pending completion of the appeals process.

Based upon the findings of Supplement 2 to the PEIS, the ASLBP final initial decision and the staff's safety evaluation, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see: (1) The application for amendment dated February 25, 1987, revised April 13, 1987, (4) Amendment No. 35 to License No. DPR-73, which includes the NRC staff's Safety Evaluation, (2) the Commission's related evaluation of this amendment is contained in Supplement 2 to the Programmatic Environmental Impact Statement dated June 1987 and a Safety Evaluation dated September 11, 1989, and (3) the Commission's Environmental Assessment dated August 31, 1989, published in the Federal Register on September 11, 1989 (54 FR 37517). All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW. (Lower Level), Washington, DC, and at the Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—I/II.

Dated at Rockville, Maryland, this 11th day of September 1989.

For the Nuclear Regulatory Commission.

Michael T. Masnik,

Project Manager, Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89-21956 Filed 9-15-89; 8:45 am]

BILLING CODE 7590-01-M

Union Electric Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

[Docket No. 50-483]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-30, issued to Union Electric Company (the licensee), for operation of the Callaway Plant located in Callaway County, Missouri.

The amendment would revise Technical Specification 3/4.1.3, Moveable Control Assemblies, and its associated Bases to allow continued operation for 72 hours for diagnosis and repair, with one or more control rod assemblies inoperable due to a rod control urgent failure alarm or other electrical problem in the rod control system provided all affected control rods remain trippable.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By October 18, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to

which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which safisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, NW. (lower level), Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–800–325–6000 (in Missouri 1–800–342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John N. Hannon: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and the Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its intent to make a no significant hazards consideration finding in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated August 2, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., (lower level) Washington, DC 20555, and at the local public document room, Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Dated at Rockville, Maryland, this 11th day of September, 1989.

For the Nuclear Regulatory Commission.

John N. Hannon,

Director, Project Directorate III–3, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89–21958 Filed 9–15–89; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–27233; File No. SR–Amex–89–16, Amdt. No. 1]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc. Relating to Options on the Japan Index

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 18, 1989, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to amend its proposal to trade options on a new Japan Index developed by the Exchange and based on stocks traded on the Tokyo Stock Exchange ("TSE").

The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission's Public Reference Section.

Brackets indicate language to be deleted and italics indicate new language.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

The Exchange is proposing to trade options based on the Japan Index developed by the Amex, a two-hundred stock, price-weighted index based entirely on shares of Japanese issuers traded on the TSE. (A list of the component securities is attached as Exhibit A (revised)). The TSE securities chosen for the Index meet the proposed eligibility standards (discussed below) with respect to market value, trading activity, and price level. In choosing the component securities, the Exchange also has given consideration to the distribution of securities across various major industrial categories. The Exchange reserves the right to increase or decrease the number of stocks in the Index *by as many as 25* [as needed] *in order* to maintain a balanced industry representation of the Japanese market.

The Exchange will calculate and disseminate the value of the Japan Index once a day before the opening of U.S. trading. Index values are calculated based on the daily last sale prices in yen of the component securities trading on the TSE, *except, that for component*

securities that do not have a par value of 50 yen, the last sale price will be adjusted by dividing such price by an amount equal to the ratio of the par value of the stock to a par value of 50 yen ("weighting ratio").[1] [applying the special index valuation method described below.] The Amex will administer the Index, applying offsetting divisor adjustments to the Index in light of stock splits, stock replacements, or other corporate actions which would otherwise cause a discontinuity in the Index values. The initial value of the Japan Index *was* [will be] set to a level of [approximately] *345.00 on July 27, 1989* [330.00 on June 30, 1989].

The proposed options on the Index are European style (exercise at expiration only), and cash settled. Standard option trading hours (9:30 a.m. to 4:15 p.m. NY time) would apply.

Index Valuation Method. The Exchange considers its proposed valuation method to be a substantial innovation in the means of trading instruments on foreign stock indices in U.S. dollar terms. Simply stated, the valuation method assigns a value of one U.S. dollar to 100 decimal points of the Index. Thus, as the Index level follows changes in the yen prices of the component stocks, the option premium values change in U.S. dollar terms, without regard to fluctuations in the exchange rate. To illustrate the direct relationship between yen movement of prices on the Tokyo Stock Exchange and dollar movement of the Japan Index, suppose, hypothetically, that the yen price of all stocks on the Tokyo Stock Exchange were to drop by 1 percent (e.g., from 2500.00 yen to 2475.00 yen as measured by TOPIX) one day. The Japan Index would also drop by 1 percent in U.S. dollars, (e.g., from 350.00 to 346.50) without regard to fluctuations in the yen/dollar exchange rate that day.

This method permits the option premiums to be quoted in U.S. dollars and trading accounts to be denominated in U.S. dollars. All Exchange, Options Clearing Corporation, and clearing member systems will be able to accommodate trading, clearance, and settlement of the options without alteration.

A market participant desiring to invest solely in the direction of the Japanese stock market, and who holds a Japan Index call, for example, will gain in dollars if the Japanese stock market rises and lose if it declines. The converse is true for a put holder.

The Exchange believes the proposed valuation method is superior to possible alternative methods. The valuation method utilized for the Japan Index is designed to facilitate trading in the options by those who are concerned primarily with benefiting in dollar terms from changes in the yen price levels of the Japanese stocks, and not in the combined effect of yen price and dollar/yen exchange rate changes. The valuation method will also be useful to those whose interest is in the combined effect of exchange rate and yen price changes by combining positions in the Japan Index options with positions in exchange rate products (e.g., currency futures, forwards, options, etc.).

Standards for Component Stock Selection. The Exchange has established the following eligibility criteria for selecting stocks to be included in the Index:

1. Each component security shall be issued by a Japanese issuer and traded on the TSE.

2. The minimum market value in Japanese yen of the component security during the preceding 20 business days before Index inclusion as measured by total shares outstanding must be 25 billion yen (approximately 175 million dollars as of June 22, 1989).

3. The yen price per share for each component security during the preceding 20 business days before Index inclusion, must be less than five times the average price of all stocks in the Index. To continue to be included in the Index, the yen price per share for each component security during the preceding 20 business days before quarterly Index review, must be less than ten times the average price of all stocks in the Index. *However, for any stock that does not have a par value of 50 yen and, accordingly, whose last sale price in yen would be divided by the weighting ratio of the par value of the stock to a par value of 50 yen for purposes of index calculation if included in the Index, its price after dividing by such weighting ratio will be used in assessing whether it meets this eligibility standard.*[2]

4. All securities selected for inclusion in the Index must have traded an average of more than 500,000 shares per month over the previous six months. The Exchange will monitor the trading of all component securities and, if it determines that any component security fails to meet this liquidity threshold, consideration will be given to substituting another security with greater liquidity, consistent with maintaining balanced industry representation. *However, for any stock that does not have a par value of 50 yen and, accordingly, whose last sale price in yen would be divided by the weighting ratio of the par value of the stock to a par value of 50 yen for purposes of index calculation if included in the Index, its average monthly trading volume after multiplying by the weighting ratio will be used in assessing whether such stock meets this eligibility standard.*[3]

5. The Amex will review the performance of each component security at the end of each calendar quarter and, if any should fail to continue to meet the above criteria, the Amex will consider the selection of suitable replacements.

Choice of Japan Index Calculation/Settlement Time. On normal business weekdays, the TSE holds two two-hour trading sessions daily. The morning trading session runs from 9:00 a.m. to 11:00 a.m. Tokyo time, and the afternoon trading session runs from 1:00 p.m. to 3:00 p.m. Tokyo time. In terms of New York time, the Friday TSE morning trading session runs from 7:00 p.m. to 9:00 p.m. New York time on Thursday night, and the Friday TSE afternoon trading session runs from 11:00 p.m. to 1:00 a.m. New York time later that

[1] Currently, three of the Index's component stocks do not have a par value of 50. These stocks, whose market values rank them among the top twenty TSE stocks, are Nippon Telegraph and Telephone (par value 50,000 yen), Tokyo Electric Power and Kansai Electric Power (par value 500 yen each). Nippon Telegraph and Telephone trades at a price level of approximately 1,500,000 yen, or about 1,000 times the average price level of the other stocks in the Index. Tokyo Electric Power and Kansai Electric Power also trade at price levels significantly above (e.g., approximately 5 times) the average price level of the other stocks in the Index. Accordingly, to ensure that these stocks do not have inordinately higher weight than other stocks in the price-weighted Index, the Exchange proposes that their price levels be "down scaled" for Index calculation purposes, by applying a weighting factor that reflects the ratio of the par value of these stocks to a par value of 50 yen (which is the par value of each of the other stocks in the Index). This results in a weighting ratio of 1,000 for Nippon Telegraph and Telephone and 10 for Tokyo Electric Power and Kansai Electric Power.

[2] *This standard is being proposed to ensure that no individual stock has an inordinately higher weight than other stocks in the price-weighted Index. Accordingly, for Index components that do not have a par value of 50 yen, the "down scaled" price will be used to assess whether a stock meets or continues to meet this eligibility standard, since it is the "down scaled" prices of these stocks which determine their actual weight in the Index.*

[3] *This standard is being proposed to provide for stocks that may have a low average monthly trading volume because their price per share is inordinately higher than other stocks in the Index. Unadjusted average monthly trading volume for these stocks cannot be compared with the average monthly trading volume of other stocks since their higher prices represent a higher dollar (or yen) value of their trading volume. Accordingly, the Exchange proposes that the same down-scaling factor used for price (i.e., the weighting ratio) be used as an up-scaling factor for average monthly trading volume in assessing whether a stock meets this eligibility standard.*

Thursday night. (Three Saturdays each month the TSE also holds a morning trading session).

For option trading purposes, the daily value of the Japan Index will be determined based on the closing prices of component securities in the latest trading session held that calendar day on the TSE, (normally the afternoon trading session except if that session has been canceled due to a holiday or other reason). The options will expire on the Saturday following the third Friday of the expiration month. The last trading day in an options series will normally be the second to last business day preceding the Saturday following the third Friday of the expiration month (normally a Thursday), except in the event of holiday scheduling as described below.

For settlement purposes, the settlement value of the Japan Index will be determined based on the closing TSE prices of component securities in the morning trading session on the trading day in Japan following the last day of trading in the expiring contracts. Normally, because trading in expiring options contracts will cease on a Thursday at 4:15 p.m. New York time, the settlement value of the Japan Index will be determined at the close of the Friday TSE morning trading session, that is, at 9:00 p.m. New York time on Thursday night, just under 5 hours after trading has ceased in the expiring options.

The closing TSE prices in the Friday morning session will be used because they are chronologically closest to the time when options trading on the Amex ceases on the last trading day in expiring options series, thereby providing the most timely, reliable, and accurate measurement of the price level of TSE stocks at expiration of the Japan Index options.

Holiday Scheduling. In the event that the TSE is closed on the third calendar Friday of a contract month due to a Japanese holiday or other reason, the last trading day for expiring Japan Index options contracts will be the exchange business day in New York which precedes the last TSE trading day prior to the third calendar Friday of the month. In this event, the Index settlement valuation will be determined at the close of the morning trading session on the TSE on the last trading day prior to the third calendar Friday in Japan.

In the event that the Thursday preceding expiration Friday is not an Amex business day in the U.S., the preceding business day will be the last trading day for expiring Japan Index options, and settlement will be based on the close of the morning trading session on the TSE on calendar Thursday in Japan.

There will be no trading on any holiday on which the Amex is closed for trading, independent of whether the TSE is open for trading. Likewise, there will be trading on any day on which the American Stock Exchange is open for trading independent of whether or not the TSE is open for trading.

Extension of Surveillance Agreement. Currently, in connection with Amex trading of options on the International Market Index ("IMI"), the Exchange has a market surveillance agreement with the TSE which provides that the TSE will supply the Amex, upon request, with clearing data, large position holder information, and time, sale, and quote information with respect to the Japanese component stocks included in the IMI. The Exchange has undertaken to discuss with the TSE extension of the existing agreement to share market surveillance information on all stocks included in the Japan Index.

Exchange Rules Applicable to Stock Index Options. Amex Rules 900C through 980C will apply to option contracts based on the Index. The Index is deemed to be a Broad Stock Index Group under Rule 900C(b)(1). Under Rule 903C, the Exchange intends to list up to three near calendar months and five additional long-term option series with consecutive June and December expirations, extending into successive years. *The Exchange proposed to list in the near-term months, at five point intervals, up to four in-the-money and four out-of-the-money strike prices in addition to the at-the-money strike price. However, with respect to the listing of the long term options, the Exchange requests authority to be flexible with respect to strike price intervals and proposes that strike prices be set at either 25 or 50 point intervals. This policy is consistent with the Exchange's current policy with respect to long term options on its other indices (see: SR–AMEX 87–22).* Under Rule 904C(b), the Exchange proposes to establish a position limit of 25,000 contracts on the same side of the market, provided no more than 15,000 of such contracts are in series in the nearest expiration month.

(2) The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 10, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 8, 1989.

Jonathan G. Katz,

Secretary.

EXHIBIT A (REVISED)—COMPONENT SECURITIES OF THE JAPAN INDEX

(As of August 3, 1989)

Stock	Industry	Avg Mthly Trdg Vol Dec 88–May 89 (000's)	LS (6/9/89) (Yen)	Shrs Out (000's)	Mkt Val (6/9/89) (Million Yen)	Component % Price Weight	Industry % Price Weight
All Nippon Airways	Air transport	1,749	1,850	1,373,492	2,540,960	0.63	0.62
Mitsui Bank	Bank	5,760	2,290	1,777,511	4,070,500	0.77	7.47
Mitsui Trust and Banking	do	4,015	2,020	1,134,360	2,291,407	0.68	
Sumitomo Bank	do	16,259	3,520	2,524,290	8,885,501	1.19	
The Daiichi Kangyo Bank	do	8,460	3,320	2,691,194	8,934,764	1.12	
Mitsubishi Trust Banking	do	5,497	2,650	1,236,837	3,277,618	0.90	
The Bank of Tokyo	do	6,582	1,640	1,915,519	3,141,451	0.55	
The Mitsubishi Bank	do	11,153	3,180	2,551,304	8,113,147	1.07	
The Fuji Bank	do	8,109	3,480	2,549,536	8,872,385	1.18	
UBE Industries, Ltd	Chemicals	9,318	874	831,920	727,098	0.30	9.20
Konica Corp	do	1,984	1,150	354,492	407,666	0.39	
Toa Gosei Chemical Industry	do	2,458	1,080	194,651	210,223	0.37	
Nippon Kayaku Co. Ltd	do	2,210	1,360	181,725	247,146	0.46	
Mitsui Toatsu Chemicals	do	11,507	1,060	673,881	714,314	0.36	
Tosoh Corp	do	5,123	1,010	441,168	445,580	0.34	
Rasa Industries	do	6,831	780	55,480	43,274	0.26	
Showa Denko K.K	do	12,089	1,190	976,873	1,162,479	0.40	
Nissan Chemical Ind. Ltd	do	2,679	850	138,440	117,674	0.29	
Nippon Carbide Ind	do	8,305	896	66,921	59,961	0.30	
Fuji Photo Film Co., Ltd	do	2,214	3,970	378,675	1,503,340	1.34	
Mitsubishi Kasei Corp	do	5,245	1,130	1,329,628	1,502,480	0.38	
Shin-Etsu Chemical Co., Ltd	do	2,612	1,770	318,359	563,495	0.60	
Asahi Denka Yogyo	do	3,384	1,040	63,258	65,788	0.35	
Denki Kagaku Kogyo K.K	do	7,976	940	474,813	446,324	0.32	
Nippon Synthetic Chem. Ind	do	3,353	1,030	65,778	67,751	0.35	
Nippon Oil Fats Co	do	1,443	1,130	212,580	240,215	0.38	
Sumitomo Chemical Co	do	7,985	955	1,621,170	1,548,217	0.32	
Nippon Soda Co	do	1,216	955	84,000	80,220	0.32	
Kanegafuchi Chemical	do	17,772	1,020	340,912	347,730	0.34	
Mitsubishi Petrochemical	do	6,149	1,630	440,415	717,876	0.55	
Sekisui Chemical	do	23,231	1,410	460,162	648,828	0.48	
Sumitomo Cement Co	Clay and glass	3,672	927	271,959	252,106	0.31	3.95
Nippon Carbon Co	do	1,912	867	118,267	102,537	0.29	
Nippon Sheet Glass Co	do	5,015	1,110	417,649	463,590	0.38	
Nihon Cement Co	do	4,221	1,170	293,526	343,425	0.40	
Tokai Carbon Co	do	2,204	1,000	156,954	156,954	0.34	
Onoda Cement Co	do	3,072	991	463,144	458,976	0.33	
Asahi Glass Co	do	3,619	2,360	1,161,923	2,742,138	0.80	
Toto Ltd	do	10,482	2,340	302,736	708,402	0.79	
Mitsubishi Mining and Cement	do	4,763	922	451,549	416,328	0.31	
Nippon Telegraph Tel. (***)	Communications	110	1,480,000	15,600	23,088,000	0.50	0.50
Tekken Construction Co	Construction	4,941	1,430	142,219	203,373	0.48	6.16
Shimizu Corp	do	13,294	2,090	210,192	439,301	0.71	
Kajima Corp	do	9,180	2,140	858,488	1,837,164	0.72	
Daiwa House Industries	do	1,997	2,130	438,005	932,951	0.72	
Toa Harbor Works	do	1,933	1,290	177,200	228,588	0.44	
Taisei Corp	do	34,982	1,650	1,012,357	1,670,389	0.56	
Sata Kogyo Co	do	18,240	2,460	240,710	592,147	0.83	
Ohbayashi Corp	do	13,158	1,820	728,047	1,325,046	0.62	
Tobishima Corp	do	1,938	1,350	225,768	304,787	0.46	
Fujita Corp	do	18,890	1,880	443,533	833,842	0.64	
Takeda Chemical Industries	Drugs	2,177	2,340	869,706	2,035,112	0.79	2.81
Sankyo Co	do	3,141	2,440	354,755	865,602	0.82	
Yamanouchi Pharmaceutical	do	1,072	3,540	276,517	978,870	1.20	
Oki Electric Industry Co	Electric equipment	5,275	1,110	575,801	639,139	0.38	10.26
Yokogawa Electric	do	2,152	1,880	252,667	475,014	0.64	
Fuji Electric	do	11,930	1,130	700,714	791,807	0.38	
Nippondenso Company, Ltd	do	12,454	2,420	714,356	1,728,742	0.82	
Sony Corp	do	3,134	7,670	286,043	2,193,950	2.59	
Sanyo Electric	do	17,272	951	1,864,429	1,773,072	0.32	
Toshiba Corp	do	25,575	1,410	3,083,468	4,347,690	0.48	
Hitachi, Ltd	do	13,946	1,600	3,025,008	4,840,013	0.54	
Fujitsu, Ltd	do	6,045	1,500	1,761,839	2,642,759	0.51	
Matsushita Electric Industry	do	5,637	2,400	1,958,324	4,699,978	0.81	
Mitsubishi Electric Corp	do	18,111	1,160	2,125,360	2,465,418	0.39	
Sharp Corp	do	4,909	1,380	956,881	1,320,496	0.47	
NEC Corp	do	4,536	1,820	1,499,224	2,728,588	0.62	
Yuasa Battery Co. Ltd	do	4,250	1,400	174,959	244,943	0.47	
Meidensha Corp	do	2,324	1,260	201,705	254,148	0.43	

EXHIBIT A (REVISED)—COMPONENT SECURITIES OF THE JAPAN INDEX—Continued

(As of August 3, 1989)

Stock	Industry	Avg Mthly Trdg Vol Dec 88–May 89 (000's)	LS (6/9/89) (Yen)	Shrs Out (000's)	Mkt Val (6/9/89) (Million Yen)	Component % Price Weight	Industry % Price Weight
Hitachi Cable	do	2,075	1,280	374,780	479,718	0.43	
Tokyo Electric Power (**)	Electric power	3,353	5,980	1,313,000	7,851,740	0.20	0.36
Kansai Electric Power (**)	do	4,775	4,680	949,280	4,442,630	0.16	
Nisshin Flour Milling Co	Foods	1,811	1,650	197,510	325,892	0.56	5.72
Kikkoman Corp	do	2,992	1,230	166,901	205,288	0.42	
Kirin Brewery Co	do	2,060	1,910	951,035	1,816,477	0.65	
Meiji Milk Products	do	1,476	1,000	280,565	280,565	0.34	
Meiji Seika Kaisha, Ltd	do	1,430	1,150	389,431	447,846	0.39	
Asahi Breweries, Ltd	do	11,692	2,140	307,197	657,402	0.72	
Nippon Flour Mills Co	do	1,249	933	181,751	169,574	0.32	
Ajinomoto Co	do	1,143	2,710	639,832	1,733,945	0.92	
The Nisshin Oil Mills Ltd	do	1,581	1,170	133,715	156,447	0.40	
Nippon Beet Sugar Mfg. Co	do	1,767	867	153,250	132,868	0.29	
Nichirei Corp	do	1,809	1,210	295,764	357,874	0.41	
Morinaga Co	do	1,556	961	243,194	233,709	0.32	
Osaka Gas Co. Ltd	Gas Services	13,433	889	2,399,539	2,133,190	0.30	0.68
Tokyo Gas Co., Ltd	do	7,018	1,120	2,725,953	3,053,067	0.38	
Taisho Marine Fire Ins	Insurance	2,435	1,320	681,260	899,263	0.45	1.97
Tokio Marine Fire Ins. Co	do	5,388	2,030	1,468,115	2,980,273	0.69	
Yasuda Fire Marine Ins	do	2,798	1,320	871,568	1,150,470	0.45	
Nippon Fire Marine	do	15,378	1,170	537,259	628,593	0.40	
Nippon Yakin Kogyo Co	Iron steel	3,310	1,390	165,237	229,679	0.47	3.57
Nippon Steel Corp	do	37,700	845	6,636,705	5,608,016	0.29	
Japan Steel Works Ltd	do	13,191	1,140	371,463	423,468	0.39	
Sumitomo Metal Industry	do	30,900	830	2,786,152	2,312,506	0.28	
Kobe Steel, Ltd	do	29,532	837	2,539,739	2,125,762	0.28	
Kawasaki Steel Corp	do	24,274	998	2,933,280	2,927,413	0.34	
Nippon Denko Co	do	3,928	1,080	111,762	120,703	0.37	
Nippon Metal Industry Co	do	2,370	1,230	156,306	192,256	0.42	
Nippon Stainless	do	21,172	1,330	94,579	125,790	0.45	
Nippon Kokan K.K	do	28,677	875	3,188,620	2,790,043	0.30	
Nippon Seiko K.K	Machinery	7,662	1,100	539,925	593,918	0.37	4.19
Komatsu Ltd	do	10,164	1,260	922,555	1,162,419	0.43	
Niigata Eng. Co	do	4,475	905	333,417	301,742	0.31	
Chiyoda Chemical Engineering	do	5,188	1,700	195,224	331,881	0.57	
Nachi-Fugikoshi Corp	do	2,083	1,150	227,193	261,272	0.39	
Kubota Ltd	do	7,096	1,250	1,407,759	1,759,699	0.42	
Ebara Corp	do	9,772	2,290	280,904	643,270	0.77	
Okuma Machinery Works Ltd	do	9,585	1,670	129,762	216,703	0.56	
NTN Toyo Bearing Co	do	4,327	1,070	408,375	436,961	0.36	
Nippon Susian Kaisha Ltd	Marine products	1,704	885	295,960	261,925	0.30	0.88
Kyokuyo Co	do	1,095	885	113,280	100,253	0.30	
Nichiro Gyogyo Kaisha, Ltd	do	3,074	839	164,490	138,007	0.28	
Tokyo Rope Mfg. Co	Metal products	1,028	1,570	141,462	222,095	0.53	5.96
Nippon Mining Co	do	11,951	900	867,008	780,307	0.30	
Fujikura Ltd	do	2,712	1,210	332,679	402,542	0.41	
Showa Electric Wire Cable	do	3,540	1,300	208,328	270,826	0.44	
Furukawa Co	do	4,481	960	238,373	228,838	0.32	
Nippon Light Metal Co	do	4,371	985	415,520	409,287	0.33	
Sumitomo Electric Ind	do	2,600	1,530	690,406	1,056,321	0.52	
Mitsui Mining Smelting Co	do	15,808	880	486,000	427,680	0.30	
Dowa Mining Co	do	3,721	885	218,592	193,454	0.30	
Sumitomo Metal Mining Co	do	2,694	1,440	416,055	599,119	0.49	
Toyo Seikan Kaisha	do	2,542	2,650	164,000	434,600	0.90	
Toho Zinc	do	14,128	900	100,000	90,000	0.30	
Mitsubishi Metal Corp	do	15,978	1,130	656,990	742,399	0.38	
Furukawa Electric	do	9,287	1,300	620,368	806,478	0.44	
Sumitomo Coal Mining	Mining	9,357	890	73,570	65,477	0.30	0.71
Mitsui Mining Co	do	4,200	1,220	152,108	185,572	0.41	
Honda Motor Co	Motor vehicles	2,401	1,940	948,373	1,839,844	0.66	3.48
Isuzu Motor Ltd	do	4,654	1,020	919,110	937,492	0.34	
Toyota Motor Corp	do	3,026	2,680	2,845,164	7,625,040	0.91	
Suzuki Motor Co	do	2,958	925	382,522	353,833	0.31	
Hino Motor	do	2,144	1,110	351,667	390,350	0.38	
Nissan Motor Co	do	12,792	1,600	2,481,515	3,970,424	0.54	
Mazda Motor Corp	do	4,693	1,020	1,026,885	1,047,423	0.34	
Yamaha Motor	Other manufacturing	1,152	1,420	225,631	320,396	0.48	1.92
Toppan Printing Co	do	2,145	1,930	627,162	1,210,423	0.65	
Dai Nippon Printing Co	do	1,428	2,330	675,596	1,574,139	0.79	
Jujo Paper Co	Paper pulp	4,266	1,230	473,019	581,813	0.42	2.53
Hokuetsu Paper Mills	do	5,166	1,200	119,464	143,357	0.41	
Honshu Paper Co	do	2,979	1,000	312,686	312,686	0.34	
Oji Paper Co	do	6,820	1,730	601,799	1,041,112	0.58	
Sanyo-Kokusaku Pulp Co	do	4,936	1,060	432,169	458,099	0.36	
Mitsubishi Paper Mills, Ltd	do	3,248	1,260	319,502	402,573	0.43	

EXHIBIT A (REVISED)—COMPONENT SECURITIES OF THE JAPAN INDEX—Continued

(As of August 3, 1989)

Stock	Industry	Avg Mthly Trdg Vol Dec 88–May 89 (000's)	LS (6/9/89) (Yen)	Shrs Out (000's)	Mkt Val (6/9/89) (Million Yen)	Component % Price Weight	Industry % Price Weight
Nippon Oil Co	Petroleum	11,474	1,490	1,202,707	1,792,033	0.50	2.08
Tonen Corp	do	4,500	2,060	587,760	1,210,786	0.70	
Mitsubishi Oil Co	do	2,105	1,140	336,232	383,304	0.39	
Showa Shell Sekiyu K.K	do	1,038	1,470	273,080	401,428	0.50	
Ricoh Company, Ltd	Precision instrument	3,438	1,250	601,443	751,804	0.42	1.90
Nikon	do	2,774	1,450	363,536	527,127	0.49	
Canon Inc	do	5,362	1,790	617,295	1,104,958	0.60	
Citizen Watch Co	do	6,048	1,120	306,419	343,189	0.38	
Tokyu Corp	Railroad transportation	4,068	1,690	1,038,016	1,754,247	0.57	3.90
Tobu Railway Co. Ltd	do	6,648	1,480	796,137	1,178,283	0.50	
Odakyu Electric Railway	do	2,966	1,430	639,292	914,188	0.48	
Keihin Electric Express Rail	do	2,491	1,630	460,889	751,249	0.55	
Keio Teito Electric	do	2,275	1,400	555,674	777,944	0.47	
Keisei Electric Railway	do	2,712	2,540	271,670	690,042	0.86	
Kinki Nippon Railway	do	2,824	1,380	1,467,621	2,025,317	0.47	
Heiwa Real Estate Co	Real estate	1,297	2,100	97,293	204,315	0.71	2.36
Mitsui Real Estate Devel	do	5,078	2,500	724,623	1,811,558	0.0.84	
Mitsubishi Estate Co., Ltd	do	3,827	2,390	1,269,893	3,035,044	0.0.81	
Mitsukoshi, Ltd	Retail stores	2,004	2,360	474,155	1,119,006	0.0.80	0.80
Bridgestone Corp	Rubber	3,344	1,620	721,512	1,168,849	0.0.55	0.98
The Yokohama Rubber Co	do	2,656	1,280	241,474	309,087	0.0.43	
Kawasaki Kisen Kaisha, Ltd	Sea transport	13,686	881	585,500	515,826	0.0.30	1.27
Showa Line	do	2,027	922	272,797	251,519	0.0.31	
Nippon Yusen K.K	do	16,425	1,020	1,143,454	1,166,323	0.0.34	
Mitsui OSK Lines	do	14,485	920	1,047,495	963,695	0.0.31	
The Nomura Securities	Securities/finance	2,762	3,250	1,957,304	6,361,238	0.1.10	3.46
The Nikko Securities Co	do	1,188	1,820	1,430,698	2,603,870	0.0.62	
Daiwa Securities	do	1,105	2,200	1,273,317	2,801,297	0.0.74	
Nippon Shinpan Co	do	12,697	1,380	301,923	416,654	0.0.47	
Japan Securities Finance	do	1,664	1,580	123,750	195,525	0.0.53	
Toei Company	Services	1,125	1,230	141,427	173,955	0.0.42	1.99
Korakeun Co	do	4,937	4,090	139,913	572,244	0.1.38	
Kikkatsu Corp	do	5,010	563	237,142	133,511	0.0.19	
Hitachi Zosen Corp	Shipbuilding	17,682	778	1,001,975	779,537	0.0.26	1.36
Mitsubishi Heavy Ind	do	2,3736	1,190	3,323,935	3,955,483	0.0.40	
Ishikawajima-Harima Heavy	do	11,614	1,140	1,298,490	1,480,279	0.0.39	
Mitsui Eng. and Shipbldg	do	27,293	905	763,090	690,596	0.0.31	
Kanebo, Ltd	Textile products	6,381	860	488,801	420,369	0.0.29	3.60
Mitsubishi Rayon Co	do	10,095	829	606,878	503,102	0.0.28	
Fuji Spinning Co	do	1,498	821	108,000	88,668	0.0.28	
Toray Industries	do	13,702	995	1,376,482	1,369,600	0.0.34	
Teijin Ltd	do	6,739	879	945,525	831,116	0.0.30	
Toho Rayon Co. Ltd	do	2,0831	1,140	90,530	103,204	0.0.39	
Asahi Chemical Ind	do	8,485	1,200	1,347,480	1,616,976	0.0.41	
Nisshinbo Industries	do	6,440	1,430	225,519	322,492	0.0.48	
Nitto Boseki Co. Ltd	do	1,689	831	240,463	199,825	0.0.28	
Toyobo Co	do	8,607	880	684,936	602,744	0.0.30	
Unitikao. Ltd	do	6,855	798	475,960	379,816	0.0.27	
Sumitomo Corp	Trade	3,608	1,320	884,042	1,166,935	0.0.45	2.29
Marubeni Corp	do	1,6869	884	1,379,290	1,219,292	0.0.30	
Mitsubishi Corp	do	7,585	1,450	1,544,993	2,240,240	0.0.49	
C. Itoh Co	do	11,353	990	1,330,554	1,317,248	0.0.33	
Iwatani International	do	3,890	1,110	225,940	250,793	0.0.38	
Mitsui Co	do	10,369	1,030	1,371,278	1,412,416	0.0.35	
Nippon Sharyo Seizo Kaisha	Transport equipment	1,6824	1,620	131,455	212,957	0.0.55	0.55
Nippon Express Company	Trucking	6,400	1,480	1,029,578	1,523,775	0.0.50	.050

(***) Nippon Tel. & Tel. (Par 50,000 Yen).
Prices to be scaled down by 1,000 to yield equivalent of 50 yen par value.
(**) Tokyo Electric Power and Kansai Electric Power (Par 500 Yen).
Prices to be scaled down by 10 to yield equivalent of 50 yen par value.

[FR Doc. 89-21903 Filed 9-15-89; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Chicago Board Options Exchange, Incorporated

September 11, 1989.

The above named national securities exchange has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 ("Act") and Rule 12f-1 thereunder for unlisted trading privileges ("UTP") in the 500 securities listed in the attached Exhibit A for the purpose of trading market baskets on the Standard & Poors 500 and 100 Indexes.[1] These securities are all reported in the consolidated transaction reporting system.[2]

[1] *See* proposed rule filing SR-CBOE-88-20.

[2] As indicated by Exhibit A, the majority of the securities in the CBOE's application for UTP are listed and registered on the New York or American Stock Exchanges. The application also requests UTP on 31 over-the-counter securities that are not registered under Section 12 of the Act and that are quoted on the National Association of Securities Dealers Automated Quotation System ("NASDAQ").

Interested persons are invited to submit on or before September 28, 1989 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Commentators are asked to address whether they believe the requested grants of UTP would be consistent with section 12(f)(1)(C) of the Act. Under this Section the Commission can only approve the UTP application if it finds, after this notice and opportunity for hearing, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

Further, in considering the CBOE's application for extension of UTP in the 31 NASDAQ stocks, section 12(f)(1)(C) of the Act requires the Commission to consider, among other matters, the public trading activity in such securities, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system. The Commission may not grant such application if any rule of the national securities exchange making an application under section 12(f)(2)(C) of the Act would unreasonably restrict competition among dealers in such securities or between such dealers acting in the capacity of makers who are specialists and such dealers who are not specialists.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

EXHIBIT A

Traded	Ticker	Company	Security	Par Value
NYSE	AMP	AMP Incorporated	Common Stock	None
NYSE	AMR	AMR Corporation	Common Stock	$1.00
NYSE	AR	ASARCO Incorporated	Common Stock	None
NYSE	ABT	Abbott Laboratories	Common Stock	None
NYSE	AMT	Acme-Cleveland Corporation	Common Stock	$1.00
NYSE	AMD	Advanced Micro Devices, Inc	Common Stock	$0.01
NYSE	AET	Aetna Life & Casualty Company	Common Stock	None
NYSE	AHM	Ahmanson (H.F.) & Company	Common Stock	None
NYSE	APD	Air Products & Chemicals, Inc	Common Stock	$1.00
NYSE	ACV	Alberto-Culver Company	Common Stock	None
			Class A Common Stock	$0.22
			Class B Common Stock	$0.22
NYSE	ABS	Albertson's, Incorporated	Common Stock	$1.00
NYSE	AL	Alcan Aluminum Limited	Common Stock	None
NYSE	ASN	Alco Standard Corporation	Common Stock	None
NYSE	AAL	Alexander & Alexander Services Inc	Common Stock	$1.00
NYSE	ALD	Allied-Signal Inc	Common Stock	$1.00
NYSE	AA	Aluminum Company of America (Alcoa)	Common Stock	$1.00
NYSE	AMX	AMAX Inc	Common Stock	$1.00
AMEX	AMH	Amdahl Corporation	Common Stock	$0.05
NYSE	AHC	Amerada Hess Corporation	Common Stock	$1.00
NYSE	AMB	American Brands, Inc	Common Stock	$1.56
NYSE	ACY	American Cyanamid Company	Common Stock	$5.00
NYSE	AEP	American Electric Power Company, Inc	Common Stock	$6.50
NYSE	AXP	American Express Company	Common Stock	$0.60
NYSE	AGC	American General Corporation	Common Stock	$0.50
NYSE	AHP	American Home Products Corporation	Common Stock	$0.33⅓
NYSE	AIG	American International Group, Inc	Common Stock	$2.50
NYSE	AMI	American Medical International, Inc	Common Stock	$1.00
NYSE	ASC	American Stores Company	Common Stock	$1.00
NYSE	T	American Telephone and Telegraph Company	Common Stock	$1.00
NYSE	AIT	American Information Technologies Corporation	Common Stock	$1.00
NYSE	AN	Amoco Corporation	Common Stock	None
NASDAQ	ANDW	Andrew Corporation	Common Stock	$0.01
NYSE	BUD	Anheuser-Busch Companies, Inc	Common Stock	$1.00
NASDAQ	AAPL	Apple Computer, Inc	Common Stock	None
NYSE	ADM	Archer-Daniels-Midland Company	Common Stock	None
NYSE	ALG	Arkla, Inc	Common Stock	$0.625
NYSE	AS	Armco Inc	Common Stock	$1.00
NYSE	ACK	Armstrong World Industries, Inc	Common Stock	$1.00
NYSE	ASH	Ashland Oil, Inc	Common Stock	$1.00
NYSE	ARC	Atlantic Richfield Company	Common Stock	$2.50
NYSE	AUD	Automatic Data Processing, Inc	Common Stock	$0.10
NYSE	AVY	Avery International Corporation	Common Stock	$1.00
NYSE	AVP	Avon Products, Inc	Common Stock	$0.50
NYSE	BHI	Baker Hughes Incorporated	Common Stock	$1.00
NYSE	BLL	Ball Corporation	Common Stock	None
NYSE	BLY	Bally Manufacturing Corporation	Common Stock	0.66⅔
NYSE	BGE	Baltimore Gas and Electric Company	Common Stock	None
NYSE	ONE	Banc One Corporation	Common Stock	None
NYSE	BKB	Bank of Boston Corporation	Common Stock	$2.25

EXHIBIT A—Continued

Traded	Ticker	Company	Security	Par Value
NYSE	BAC	BankAmerica Corporation	Common Stock	$1.5625
NYSE	BT	Bankers Trust New York Corporation	Common Stock	$10.00
NYSE	BCR	Bard (C.R.), Inc	Common Stock	$0.25
NYSE	BBI	Barnett Banks, Inc	Common Stock	$2.00
NASDAQ	BSET	Bassett Furniture Industries, Incorporated	Common Stock	$5.00
NYSE	BOL	Bausch & Lomb Incorporated	Common Stock	$0.40
NYSE	BAX	Baxter International Inc	Common Stock	$1.00
NYSE	BDX	Becton, Dickinson and Company	Common Stock	$1.00
NYSE	BEL	Bell Atlantic Corporation	Common Stock	$1.00
NYSE	BLS	BellSouth Corporation	Common Stock	$1.00
NYSE	BMS	Bemis Corporation	Common Stock	$0.10
NYSE	BNL	Beneficial Corporation	Common Stock	$1.00
NYSE	BS	Bethlehem Steel Corporation	Common Stock	$1.00
NYSE	BEV	Beverly Enterprises	Common Stock	$0.10
NYSE	BDK	Black & Decker Corporation (The)	Common Stock	$0.50
NYSE	HRB	Block (H & R), Inc	Common Stock	None
NYSE	BA	Boeing Company (The)	Capital Stock	$5.00
NYSE	BCC	Boise Cascade Corporation	Common Stock	$2.50
NYSE	BN	Borden, Inc	Common Stock	$1.25
NYSE	BGG	Briggs & Stratton Corporation	Common Stock	$3.00
NYSE	BMY	Bristol-Myers Company	Common Stock	$0.10
NYSE	BNS	Brown & Sharpe Manufacturing Company	Common Stock	$1.00
			Class A Common Stock	$1.00
			Class B Common Stock	$1.00
NYSE	BG	Brown Group, Inc	Common Stock	$3.75
NYSE	BFB	Brown-Forman Inc	Class B Common Stock	$0.15
NYSE	BFI	Browning-Ferris Industries, Inc	Common Stock	$.016⅔
NYSE	BC	Brunswick Corporation	Common Stock	None
NYSE	BNI	Burlington Northern Inc	Common Stock	None
NYSE	CBS	CBS Inc	Common Stock	$2.50
NYSE	CI	CIGNA Corporation	Common Stock	$1.00
NYSE	CNA	CNA Financial Corporation	Common Stock	$2.50
NYSE	CPC	CPC International Inc	Common Stock	$0.25
NYSE	CSX	CSX Corporation	Common Stock	$1.00
NYSE	CPB	Campbell Soup Company	Capital Stock	$0.30
NYSE	CCB	Capital Cities/ABC, Inc	Common Stock	$1.00
NYSE	CPH	Capital Holding Corporation	Common Stock	$1.00
NYSE	CPL	Carolina Power & Light Company	Common Stock	None
NYSE	CHH	Carter Hawley Hale Stores, Inc	Common Stock	$0.01
NYSE	CAT	Caterpillar Inc	Common Stock	None
NYSE	CTX	Centex Corporation	Common Stock	$0.25
NYSE	CSR	Central & South West Corporation	Common Stock	$3.50
NYSE	CHA	Champion International Corporation	Common Stock	$0.50
NASDAQ	CHRS	Charming Shoppes Inc	Common Stock	$0.10
NYSE	CMB	Chase Manhattan Corporation	Common Stock	$12.50
NYSE	CHL	Chemical Banking Corporation	Common Stock	$12.00
NYSE	CHV	Chevron Corporation	Common Stock	$3.00
NYSE	C	Chrysler Corporation	Common Stock	$1.00
NYSE	CB	Chubb Corporation (The)	Common Stock	$1.00
NYSE	CMZ	Cincinnati Milacron Inc	Common Stock	$1.00
NYSE	CC	Circuit City Stores, Inc	Common Stock	$1.00
NYSE	CCI	Citicorp	Common Stock	$1.00
NYSE	CKL	Clark Equipment Company	Common Stock	$7.50
NYSE	CLX	Clorox Company (The)	Common Stock	$1.00
NYSE	CGP	Coastal Corporation (The)	Common Stock	$0.33⅓
NYSE	KO	Coca-Cola Company (The)	Common Stock	$1.00
NYSE	CL	Colgate-Palmolive Company	Common Stock	$1.00
NYSE	CG	Columbia Gas System, Inc. (The)	Common Stock	$10.00
NYSE	CSP	Combustion Engineering, Inc	Common Stock	$1.00
NASDAQ	CMCSA	Comcast Corporation	Class A Common Stock	$1.00
NYSE	CWE	Commonwealth Edison Company	Common Stock	$12.50
NYSE	CMY	Community Psychiatric Centers	Common Stock	$1.00
NYSE	CPQ	COMPAQ Computer Corporation	Common Stock	$0.01
NYSE	CA	Computer Associates International, Inc	Common Stock	$0.10
NYSE	CSC	Computer Sciences Corporation	Common Stock	$1.00
NYSE	CAG	ConAgra, Inc	Common Stock	$5.00
NYSE	ED	Consolidated Edison Company of New York, Inc	Common Stock	$2.50
NYSE	CNF	Consolidated Freightways, Inc	Common Stock	$0.625
NYSE	CNG	Consolidated Natural Gas Company	Common Stock	$2.75
NYSE	CRR	Consolidated Rail Corporation	Common Stock	$1.00
NYSE	CIC	Continental Corporation (The)	Common Stock	$1.00
NYSE	CDA	Control Data Corporation	Common Stock	$0.50
NYSE	CBE	Cooper Industries, Inc	Common Stock	$5.00
NASDAQ	ACCOB	Coors (Adolph) Company	Class B Common Stock	None
NYSE	GLW	Corning Glass Works	Common Stock	$5.00
NYSE	CBL	Corroon & Black Corporation	Common Stock	$0.12½
NYSE	CR	Crane Co	Common Stock	$1.00
NYSE	CYR	Cray Research, Inc	Common Stock	$1.00
NASDAQ	CTCO	Cross & Trecker Corporation	Common Stock	$1.00
NYSE	CCK	Crown Cork & Seal Company, Inc	Common Stock	$5.00

EXHIBIT A—Continued

Traded	Ticker	Company	Security	Par Value
NYSE	CUL	Cullinet Software, Inc	Common Stock	$0.10
NYSE	CUM	Cummins Engine Company, Inc	Common Stock	$2.50
NYSE	CYM	Cyprus Minerals Company	Common Stock	None
NASDAQ	DIGI	DSC Communications Corporation	Common Stock	$0.01
NYSE	DCN	Dana Corporation	Common Stock	$1.00
NYSE	DGN	Data General Corporation	Common Stock	$0.01
NYSE	DPT	Datapoint Corporation	Common Stock	$0.25
NYSE	DH	Dayton Hudson Corporation	Common Stock	$1.00
NYSE	DE	Deere & Company	Common Stock	$1.00
NYSE	DAL	Delta Air Lines, Inc	Common Stock	$3.00
NYSE	DLX	Deluxe Corporation	Common Stock	$1.00
NYSE	DTE	Detroit Edison Company (The)	Common Stock	$10.00
NYSE	DEC	Digital Equipment Corporation	Common Stock	$1.00
AMEX	DDS	Dillard Department Stores Inc	Class A Common Stock	None
NYSE	D	Dominion Resources, Inc	Common Stock	None
NYSE	DNY	Donnelley (R.R.) & Sons Company	Common Stock	$1.25
NYSE	DOV	Dover Corporation	Common Stock	$1.00
NYSE	DOW	Dow Chemical Company (The)	Common Stock	$2.50
NYSE	DJ	Dow Jones & Company Inc	Common Stock	$1.00
NYSE	DI	Dresser Industries, Inc	Common Stock	$0.25
NYSE	DD	du Pont (E.I.) de Nemours and Company	Common Stock	$1.66⅔
NYSE	DUK	Duke Power Company	Common Stock	None
NYSE	DNB	Dun & Bradstreet Corporation	Common Stock	$1.00
NYSE	EGG	EG&G, Inc	Common Stock	$1.00
NYSE	ESY	E-Systems, Inc	Common Stock	$1.00
NYSE	ENS	ENSERCH Corporation	Common Stock	$4.45
NYSE	EFU	Eastern Enterprises	Common Stock	$1.00
NYSE	EK	Eastman Kodak Company	Common Stock	$2.50
NYSE	ETN	Eaton Corporation	Common Stock	$0.50
NYSE	ECH	Echlin Inc	Common Stock	$1.00
NYSE	ECL	Ecolab Inc	Common Stock	$1.00
NYSE	EMR	Emerson Electric Co	Common Stock	$1.00
NYSE	EC	Englehard Corporation	Common Stock	$1.00
NYSE	ENE	Enron Corp	Common Stock	$10.00
NYSE	ETR	Entergy Corporation	Common Stock	$5.00
NYSE	EY	Ethyl Corporation	Common Stock	$1.00
NYSE	XON	Exxon Corporation	Capital Stock	None
NYSE	FMC	FMC Corporation	Common Stock	$0.10
NYSE	FPL	FPL Group, Inc	Common Stock	None
NYSE	FJQ	Fedders Corporation	Common Stock	$1.00
NYSE	FDX	Federal Express Corporation	Common Stock	$0.10
NYSE	FNM	Federal National Mortgage Association	Common Stock	None
NYSE	FBO	Federal Paper Board Company, Inc	Common Stock	$5.00
NYSE	FNB	First Chicago Corporation	Common Stock	$5.00
NYSE	FFB	First Fidelity Bancorporation	Common Stock	$1.00
NYSE	I	First Interstate Bancorp	Common Stock	$2.00
NYSE	FRM	First Mississippi Corporation	Common Stock	$1.00
NYSE	FTU	First Union Corporation	Common Stock	$3.33⅓
NYSE	FNG	Fleet/Norstar Financial Group, Inc	Common Stock	$1.00
NYSE	FLE	Fleetwood Enterprises, Inc	Common Stock	$1.00
NYSE	FLM	Fleming Companies, Inc	Common Stock	$2.50
NYSE	FLR	Fluor Corporation	Common Stock	$0.62½
NYSE	F	Ford Motor Company	Common Stock	$1.00
NYSE	FWC	Foster Wheeler Corporation	Common Stock	$1.00
NYSE	GTE	GTE Corporation	Common Stock	$0.10
NYSE	GCI	Gannett Co., Inc	Common Stock	$1.00
NYSE	GPS	Gap, Inc. (The)	Common Stock	$0.05
NYSE	GNE	Genentech, Inc	Common Stock	$0.02
NYSE	GCN	General Cinema Corporation	Common Stock	$1.00
NYSE	GD	General Dynamics Corporation	Common Stock	$1.00
NYSE	GE	General Electric Company	Common Stock	$0.63
NYSE	GRL	General Instrument Corporation	Common Stock	$1.00
NYSE	GIS	General Mills, Inc	Common Stock	$0.75
NYSE	GM	General Motors Corporation	Common Stock	$1.66⅔
NYSE	GRN	General Re Corporation	Common Stock	$0.50
NYSE	GSX	General Signal Corporation	Common Stock	$1.00
NYSE	GCO	Genesco Incorporated	Common Stock	$1.00
NYSE	GPC	Genuine Parts Company	Common Stock	$1.00
NYSE	GP	Georgia-Pacific Corporation	Common Stock	$0.80
NYSE	GEB	Gerber Products Company	Common Stock	$2.50
AMEX	GFSA	Giant Food, Inc	Class A Common Stock	$1.00
NYSE	GS	Gillette Company (The)	Common Stock	$1.00
NYSE	GDW	Golden West Financial Corporation	Common Stock	$0.10
NYSE	GR	Goodrich (B.F.) Company, (The)	Common Stock	$5.00
NYSE	GT	Goodyear Tire & Rubber Company (The)	Common Stock	None
NYSE	GRA	Grace (W.R.) & Co	Common Stock	$1.00
NYSE	GWW	Grainger (W.W.), Inc	Common Stock	$1.00
NYSE	GAP	Great Atlantic & Pacific Tea Company, Inc. (The)	Common Stock	$1.00
NYSE	GNN	Great Northern Nekoosa Corporation	Common Stock	$2.50
NYSE	GWF	Great Western Financial Corporation	Common Stock	$1.00

EXHIBIT A—Continued

Traded	Ticker	Company	Security	Par Value
NYSE	G	Greyhound Corporation (The)	Common Stock	$1.50
NYSE	GQ	Grumman Corporation	Common Stock	$1.00
NYSE	HAL	Halliburton Company	Common Stock	$2.50
NYSE	HDL	Handleman Company	Common Stock	$0.01
NYSE	HBJ	Harcourt Brace Jovanovich, Inc	Common Stock	$1.00
NYSE	HRS	Harris Corporation	Common Stock	$1.00
NYSE	HMX	Hartmarx Corporation	Common Stock	$2.50
AMEX	HAS	Hasbro Inc	Common Stock	$0.50
NYSE	HNZ	Heinz (H.J.) Company	Common Stock	$0.50
NYSE	HP	Helmerich & Payne, Inc	Common Stock	$0.10
NYSE	HPC	Hercules Incorporated	Common Stock	None
NYSE	HSY	Hershey Foods Corporation	Common Stock	$1.00
NYSE	HWP	Hewlett-Packard Company	Common Stock	$1.00
NYSE	HLT	Hilton Hotels Corporation	Common Stock	$2.50
NYSE	HIA	Holiday Corporation	Common Stock	$1.50
NYSE	HD	Home Depot, Inc. (The)	Common Stock	$0.05
NYSE	HM	Homestake Mining Company	Common Stock	$1.00
NYSE	HON	Honeywell Inc	Common Stock	$1.50
NYSE	HI	Household International, Inc	Common Stock	$1.00
NYSE	HOU	Houston Industries Incorporated	Common Stock	None
NYSE	HUM	Humana Inc	Common Stock	$0.16⅔
NYSE	ISS	INTERCO, INCORPORATED	Common Stock	None
NYSE	ITT	ITT Corporation	Common Stock	$1.00
NYSE	ITW	Illinois Tool Works Inc	Common Stock	None
NYSE	N	Inco Limited	Common Stock	None
NYSE	IR	Ingersoll-Rand Company	Common Stock	$2.00
NYSE	IAD	Inland Steel Industries, Inc	Common Stock	$1.00
NASDAQ	INTC	Intel Corporation	Capital Stock	None
NASDAQ	INGR	Intergraph Corporation	Common Stock	$0.10
NYSE	IK	Interlake Corporation	Common Stock	$1.00
NYSE	IBM	International Business Machines Corporation	Common Stock	$1.25
NYSE	IFF	International Flavors & Fragrances Inc	Common Stock	$0.125
NYSE	IGL	International Minerals & Chemical Corporation	Common Stock	$5.00
NYSE	IP	International Paper Company	Common Stock	$1.00
NYSE	JR	James River Corporation of Virginia	Common Stock	$0.10
NYSE	JP	Jefferson-Pilot Corporation	Common Stock	$1.25
NASDAQ	JERR	Jerrico, Inc	Common Stock	None
NYSE	JNJ	Johnson & Johnson	Common Stock	$1.00
NYSE	JCI	Johnson Controls, Inc	Common Stock	$0.16⅔
NYSE	JOS	Jostens, Inc	Common Stock	$0.33⅓
NYSE	KM	K mart Corporation	Common Stock	$1.00
NYSE	KBH	Kaufman and Broad Home Corporation	Common Stock	$1.00
NYSE	K	Kellogg Company	Common Stock	$0.25
NYSE	KMG	Kerr-McGee Corporation	Common Stock	$1.00
NYSE	KMB	Kimberly-Clark Corporation	Common Stock	$1.25
NYSE	KWP	King World Productions, Inc	Common Stock	$0.01
NYSE	KRI	Knight-Ridder, Inc	Common Stock	$0.02½
NYSE	KR	Kroger Co. (The)	Common Stock	$1.00
NASDAQ	LINB	LIN Broadcasting Corporation	Common Stock	$0.01
NYSE	LLY	Lilly (Eli) and Company	Common Stock	$0.62½
NYSE	LTD	Limited, Inc. (The)	Common Stock	None
NYSE	LNC	Lincoln National Corporation	Common Stock	$1.25
NYSE	LIT	Litton Industries, Inc	Common Stock	$1.00
NASDAQ	LIZC	Liz Claiborne, Inc	Common Stock	$1.00
NYSE	LK	Lockheed Corp	Common Stock	$1.00
NYSE	LCE	Lone Star Industries, Inc	Common Stock	$1.00
NYSE	LDG	Longs Drug Stores Corp	Common Stock	None
NYSE	LOR	Loral Corporation	Common Stock	$0.25
NASDAQ	LOTS	Lotus Development Corporation	Common Stock	$0.01
NYSE	LLX	Louisiana Land & Exploration Company (The)	Capital Stock	$0.15
NYSE	LPX	Louisiana-Pacific Corporation	Common Stock	$1.00
NYSE	LOW	Lowe's Companies, Inc	Common Stock	$0.50
NYSE	LUB	Luby's Cafeterias, Inc	Common Stock	$0.32
NYSE	MAI	M/A-Com, Inc	Common Stock	$1.00
NYSE	MCA	MCA Inc	Common Stock	None
NASDAQ	MCIC	MCI Communications Corporation	Common Stock	$0.10
NYSE	MNR	Manor Care, Inc	Common Stock	$0.10
NYSE	MHC	Manufacturers Hanover Corporation	Common Stock	$1.00
NYSE	MHS	Marriott Corporation	Common Stock	$1.00
NYSE	MMC	Marsh & McLennan Companies, Inc	Common Stock	$1.00
NYSE	ML	Martin Marietta Corporation	Common Stock	$1.00
NYSE	MAS	Masco Corporation	Common Stock	$1.00
NYSE	MAT	Mattel, Inc	Common Stock	$1.00
NYSE	MXS	Maxus Energy Corporation	Common Stock	$1.00
NYSE	MA	May Department Stores Company (The)	Common Stock	$1.66⅔
NYSE	MYG	Maytag Corporation	Common Stock	$1.25
NYSE	MDR	McDermott International, Inc	Common Stock	$1.00
NYSE	MCD	McDonald's Corporation	Common Stock	None
NYSE	MD	McDonnell Douglas Corporation	Common Stock	$1.00
NYSE	MHP	McGraw-Hill, Inc	Common Stock	$1.00

EXHIBIT A—Continued

Traded	Ticker	Company	Security	Par Value
NYSE	MCK	McKesson Corporation	Common Stock	$2.00
NYSE	MEA	Mead Corporation (The)	Common Stock	None
NYSE	MDT	Medtronic, Inc	Common Stock	$0.10
NYSE	MEL	Mellon Bank Corporation	Common Stock	$0.50
NYSE	MES	Melville Corporation	Common Stock	$1.00
NYSE	MST	Mercantile Stores Company, Inc	Common Stock	$0.36⅔
NYSE	MRK	Merck & Co., Inc	Common Stock	$0.02½
NYSE	MDP	Meredith Corporation	Common Stock	$1.00
NYSE	MER	Merrill Lynch & Co., Inc	Common Stock	$1.33⅓
NYSE	MIL	Millipore Corporation	Common Stock	$1.00
NYSE	MMM	Minnesota Mining & Manufacturing Company	Common Stock	None
NYSE	MOB	Mobil Corporation	Common Stock	$2.00
NYSE	MMO	Monarch Machine Tool Company (The)	Common Stock	None
NYSE	MTC	Monsanto Company	Common Stock	$2.00
NYSE	MCL	Moore Corporation Limited	Common Stock	None
NYSE	JPM	Morgan (J.P.) & Co. Incorporated	Common Stock	$2.50
NYSE	MII	Morton International, Inc	Common Stock	$1.00
NYSE	MOT	Motorola, Inc	Common Stock	$3.00
NYSE	NBD	NBD Bancorp, Inc	Common Stock	$1.00
NYSE	NCB	NCNB Corporation	Common Stock	$2.50
NYSE	NCR	NCR Corporation	Common Stock	$5.00
NYSE	GAS	NICOR Inc	Common Stock	$5.00
NYSE	NL	NL Industries, Inc	Common Stock	$0.125
NYSE	NC	NACCO Industries, Inc	Class A Common Stock	$1.00
NYSE	NEC	National Education Corporation	Common Stock	$0.01
NYSE	NII	National Intergroup, Inc	Common Stock	$5.00
NYSE	NME	National Medical Enterprises, Inc	Common Stock	$0.15
NYSE	NSM	National Semiconductor Corporation	Common Stock	$0.50
NYSE	NSI	National Service Industries, Inc	Common Stock	$1.00
NYSE	NAV	Navistar International Corporation	Common Stock	$1.00
NYSE	NYTA	New York Times Company (The)	Class A Common Stock	$0.10
NYSE	NWL	Newell Co	Common Stock	$1.00
NYSE	NEM	Newmont Mining Corporation	Common Stock	$1.60
NYSE	NMK	Niagara Mohawk Power Corporation	Common Stock	$1.00
NASDAQ	NIKE	NIKE, Inc	Class A Common Stock	None
			Class B Common Stock	None
NASDAQ	NOBE	Nordstrom, Inc	Common Stock	None
NYSE	NSC	Norfolk Southern Corporation	Common Stock	$1.00
NYSE	NSP	Northern States Power Company	Common Stock	$2.50
NYSE	NT	Northern Telecom Limited	Common Stock	None
NYSE	NOC	Northrop Corporation	Common Stock	$1.00
NYSE	NRT	Norton Company	Common Stock	$5.00
NYSE	NOB	Norwest Corporation	Common Stock	$1.00⅔
NASDAQ	NOXLB	Noxell Corporation	Class B Common Stock	$1.00
NYSE	NUE	Nucor Corporation	Common Stock	$0.40
NYSE	NYN	NYNEX Corporation	Common Stock	$1.00
NYSE	OKE	ONEOK Inc	Common Stock	None
NYSE	OXY	Occidental Petroleum Corporation	Common Stock	$0.20
NYSE	OG	Ogden Corporation	Common Stock	$0.50
NYSE	OEC	Ohio Edison Company	Common Stock	$9.00
NASDAQ	ORCL	Oracle Systems Corporation	Common Stock	$0.01
NYSE	ORX	Oryx Energy Company	Common Stock	$1.00
NASDAQ	GOSHA	Oshkosh B'Gosh, Inc	Class A Common Stock	$0.01
NYSE	OM	Outboard Marine Corporation	Common Stock	$0.30
NYSE	OCF	Owens-Corning Fiberglass Corporation	Common Stock	$0.10
NASDAQ	PCAR	PACCAR Inc	Common Stock	$12.00
NYSE	PHM	PHM Corporation	Common Stock	$0.01
NYSE	PNC	PNC Financial Corp	Common Stock	$5.00
NYSE	PPG	PPG Industries, Incorporated	Common Stock	$1.66⅔
NYSE	PIN	PSI Holdings, Inc	Common Stock	None
NYSE	PPW	PacifiCorp	Common Stock	$3.25
NYSE	PET	Pacific Enterprises	Common Stock	None
NYSE	PCG	Pacific Gas & Electric Company	Common Stock	$10.00
NYSE	PAC	Pacific Telesis Group	Common Stock	$0.10
AMEX	PLL	Pall Corporation	Common Stock	$0.25
NYSE	PN	Pan Am Corporation	Common Stock	$0.25
NYSE	PEL	Panhandle Eastern Corporation	Common Stock	$1.00
NYSE	PCI	Paramount Communications Inc	Common Stock	$1.00
NYSE	PH	Parker Hannifin Corporation	Common Stock	$0.50
NYSE	JCP	Penney (J.C.) Company, Inc	Common Stock	$0.50
NYSE	PZL	Pennzoil Company	Common Stock	$0.83⅓
NYSE	PGL	Peoples Energy Corporation	Common Stock	None
NYSE	PEP	PepsiCo. Inc	Common Stock	$0.05
NYSE	PKN	Perkin-Elmer Corporation (The)	Common Stock	$1.00
NYSE	PFE	Pfizer Inc	Common Stock	$0.11⅓
NYSE	PD	Phelps Dodge Corporation	Common Stock	$6.25
NYSE	PE	Philadelphia Electric Company	Common Stock	None
NYSE	MO	Philip Morris Companies, Inc	Common Stock	$1.00
NYSE	PHL	Philips Industries Inc. (Ohio)	Common Stock	None
NYSE	P	Phillips Petroleum Company	Common Stock	$1.25

EXHIBIT A—Continued

Traded	Ticker	Company	Security	Par Value
NYSE	PBI	Pitney Bowes, Inc	Common Stock	$2.00
NYSE	PCO	Pittston Company (The)	Common Stock	$1.00
NYSE	PDG	Placer Dome Inc	Common Stock	$1.00
NYSE	PRD	Polaroid Corporation	Common Stock	$1.00
NYSE	PCH	Potlatch Corporation	Common Stock	$1.00
NYSE	PMI	Premark International, Inc	Common Stock	$1.00
NASDAQ	PCLB	Price Company (The)	Common Stock	None
NYSE	PDQ	Prime Motor Inns, Inc	Common Stock	$0.05
NYSE	PA	Primerica Corporation	Common Stock	$0.01
NYSE	PG	Procter & Gamble Company (The)	Common Stock	None
NYSE	PEG	Public Service Enterprise Group Incorporated	Common Stock	None
NYSE	OAT	Quaker Oats Company (The)	Common Stock	$5.00
NYSE	CUE	Quantum Chemical Corporation	Common Stock	$2.50
NYSE	RAL	Ralston Purina Company	Common Stock	$0.41⅔
NYSE	RAM	Ramada Inc	Common Stock	$0.10
NYSE	RYC	Raychem Corporation	Common Stock	None
NYSE	RTN	Raytheon Company	Common Stock	$1.25
NYSE	RBK	Reebok International Ltd	Common Stock	$0.01
NYSE	RLM	Reynolds Metals Company	Common Stock	None
NYSE	RAD	Rite Aid Corporation	Common Stock	$1.00
NASDAQ	ROAD	Roadway Services, Inc	Common Stock	None
NYSE	ROK	Rockwell International Corporation	Common Stock	$1.00
NYSE	ROH	Rohm & Haas Company	Common Stock	$2.50
NYSE	REN	Rollins Environmental Services, Inc	Common Stock	$1.00
NYSE	RDC	Rowan Companies, Inc	Common Stock	$0.12½
NYSE	RD	Royal Dutch Petroleum Co	Share Capital	[1] 5
NYSE	RBD	Rubbermaid Incorporated	Common Stock	$1.00
NYSE	RML	Russell Corporation	Common Stock	$0.01
NYSE	R	Ryder System, Inc	Common Stock	$0.50
NASDAQ	SAFC	SAFECO Corporation	Common Stock	$5.00
NYSE	SCE	SCE Corp	Common Stock	$0.4⅙
NYSE	SPW	SPX Corporation	Common Stock	$10.00
NYSE	SK	Safety-Kleen Corp	Common Stock	$0.10
NYSE	SB	Salomon Inc	Common Stock	$1.00
NYSE	SFX	Santa Fe Pacific Corporation	Common Stock	$1.00
NYSE	SLE	Sara Lee Corporation	Common Stock	$1.33⅓
NYSE	SGP	Schering-Plough Corporation	Common Stock	$1.00
NYSE	SLB	Schlumberger Limited	Common Stock	$0.01
NYSE	SFA	Scientific-Atlanta Inc	Common Stock	$0.50
NYSE	SPP	Scott Paper Company	Common Stock	None
NYSE	VO	Seagram Company Ltd. (The)	Common Stock	None
NYSE	S	Sears, Roebuck & Co	Common Stock	$0.75
NYSE	SPC	Security Pacific Corporation	Common Stock	$10.00
NYSE	SRV	Service Corporation International	Common Stock	$1.00
NASDAQ	SMED	Shared Medical Systems Corporation	Common Stock	$0.01
NYSE	SNC	Shawmut National Corporation	Common Stock	$0.01
NYSE	SHW	Sherwin-Williams Company (The)	Common Stock	$1.00
NYSE	SHN	Shoney's Inc	Common Stock	$1.00
NYSE	SKY	Skyline Corporation	Common Stock	$0.0277
NYSE	SNA	Snap-On Tools Corporation	Common Stock	$1.00
NYSE	SNT	Sonat Inc	Common Stock	$1.00
NYSE	SO	Southern Company (The)	Common Stock	$5.00
NYSE	SBC	Southwestern Bell Corporation	Common Stock	$1.00
NYSE	SOV	Sovran Financial Corporation	Common Stock	$5.00
NYSE	SMI	Springs Industries, Inc	Common Stock	$0.50
			Class A Common Stock	$0.25
			Class A Common Stock	$0.25
NYSE	SQD	Square D Company	Common Stock	$1.66⅔
NYSE	SQB	Squibb Corporation	Common Stock	$0.10
NASDAQ	STPL	St. Paul Companies, Inc. (The)	Common Stock	None
NYSE	SWK	Stanley Works (The)	Common Stock	$2.50
NYSE	STO	Stone Container Corporation	Common Stock	None
NYSE	SUN	Sun Company, Inc	Common Stock	$1.00
NYSE	STI	SunTrust Banks, Inc	Common Stock	$1.00
NYSE	SVU	Super Valu Stores, Inc	Common Stock	$1.00
NYSE	SYN	Syntex Corporation	Common Stock	$1.00
NYSE	SYY	Sysco Corporation	Common Stock	$1.00
NYSE	TJX	TJX Companies, Inc. (The)	Common Stock	$1.00
NYSE	TRW	TRW Inc	Common Stock	$0.625
NYSE	TDM	Tandem Computers Incorporated	Common Stock	$0.02½
NYSE	TAN	Tandy Corporation	Common Stock	$1.00
NYSE	TEK	Tektronix, Inc	Common Stock	None
NASDAQ	TCOMA	Tele-Communications, Inc	Class A Common Stock	$1.00
NYSE	TDY	Teledyne, Inc	Common Stock	$1.00
NYSE	TIN	Temple-Inland Inc	Common Stock	$1.00
NYSE	TGT	Tenneco Inc	Common Stock	$5.00
NYSE	TX	Texaco Inc	Common Stock	$6.25
NYSE	TXN	Texas Instruments Incorporated	Common Stock	$1.00
NYSE	TXU	Texas Utilities Company	Common Stock	None
NYSE	TXT	Textron Inc	Common Stock	$0.12½
NYSE	TNB	Thomas & Betts Corp	Common Stock	$0.50

EXHIBIT A—Continued

Traded	Ticker	Company	Security	Par Value
NYSE	TL	Time Incorporated	Common Stock	$1.00
NYSE	TMC	Times Mirror Company (The)	Series A Common Stock	None
NYSE	TKR	Timken Company (The)	Common Stock	None
NYSE	TKA	Tonka Corporation	Common Stock	$0.66⅔
NYSE	TMK	Torchmark Corporation	Common Stock	$2.00
NYSE	TOY	Toys "R" Us, Inc	Common Stock	$0.10
NYSE	TA	Transamerica Corporation	Common Stock	$1.00
NYSE	TIC	Travelers Corporation (The)	Common Stock	$1.25
NYSE	TRB	Tribune Company	Common Stock	None
NYSE	TNV	Trinova Corporation	Common Stock	$5.00
NYSE	TYC	Tyco Laboratories, Inc	Common Stock	$0.50
NYSE	FG	USF&G Corporation	Common Stock	$2.50
NYSE	UAL	UAL Corporation	Common Stock	$5.00
NYSE	USW	U S West, Inc	Common Stock	None
NYSE	U	USAir Group, Inc	Common Stock	$1.00
NYSE	USG	USG Corporation	Common Stock	$0.10
NYSE	USH	USLIFE Corporation	Common Stock	$1.00
NYSE	UST	UST Inc	Common Stock	$0.50
NYSE	X	USX Corporation	Common Stock	$1.00
NYSE	UN	Unilever N.V	Ordinary Shares	[1] 20
NYSE	UCC	Union Camp Corporation	Common Stock	$1.00
NYSE	UK	Union Carbide Corporation	Common Stock	$1.00
NYSE	UNP	Union Pacific Corporation	Common Stock	$2.50
NYSE	UIS	Unisys Corporation	Common Stock	$5.00
NYSE	UH	U.S. Home Corporation	Common Stock	$0.10
NYSE	UTX	United Technologies Corporation	Common Stock	$5.00
NYSE	UT	United Telecommunications, Inc	Common Stock	$2.50
NYSE	UCL	Unocal Corporation	Common Stock	$1.00
NYSE	UPJ	Upjohn Company (The)	Common Stock	$1.00
NYSE	VFC	V.F. Corporation	Common Stock	None
NYSE	VAT	Varity Corporation	Common Stock	None
NYSE	WMT	Wal-Mart Stores, Inc	Common Stock	$0.10
NYSE	WAG	Walgreen Co	Common Stock	$1.25
NYSE	DIS	The Walt Disney Company	Common Stock	$0.10
AMEX	WANB	Wang Laboratories, Inc	Class B Common Stock	$0.50
NYSE	WLA	Warner-Lambert Company	Common Stock	$1.00
NYSE	WMX	Waste Management, Inc	Common Stock	$1.00
NYSE	WFC	Wells Fargo & Company	Common Stock	$5.00
NYSE	WEN	Wendy's International, Inc	Common Stock	$0.10
NYSE	WX	Westinghouse Electric Corporation	Common Stock	$1.00
NASDAQ	WMOR	Westmoreland Coal Company	Common Stock	$2.50
NYSE	W	Westvaco Corporation	Common Stock	$5.00
NASDAQ	WETT	Wetterau, Incorporated	Common Stock	$1.00
NYSE	WY	Weyerhaeuser Company	Common Stock	$1.25
NYSE	WHR	Whirlpool Corporation	Common Stock	$1.00
NYSE	WH	Whitman Corporation	Common Stock	None
NYSE	WMB	Williams Companies (The)	Common Stock	$1.00
NYSE	WIN	Winn-Dixie Stores, Incorporated	Common Stock	$1.00
NYSE	Z	Woolworth Corporation	Common Stock	$1.00
NASDAQ	WTHG	Worthington Industries, Inc	Common Stock	$0.01
NYSE	WWY	Wrigley (Wm.) Jr. Company	Common Stock	None
NYSE	XRX	Xerox Corporation	Common Stock	$1.00
NASDAQ	YELL	Yellow Freight Systems, Inc. of Delaware	Common Stock	$1.00
NYSE	ZE	Zenith Electronics Corporation	Common Stock	$1.00
NYSE	ZRN	Zurn Industries, Inc	Common Stock	$0.50

[1] Guilders.

[FR Doc. 89-21953 Filed 9-15-89; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-27239; File No. SR-CBOE-89-19]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Booth Leasing Fees

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. section 78s(b)(1), notice is hereby given that on August 21, 1989, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described below. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The Exchange proposes to impose monthly fees to lease trading booths on the Exchange floor. The fee schedule distinguishes between Options Clearing Corporation ("OCC") members, non-OCC members, and market-makers as well as by the type of booth leased (*e.g.*, OEX booths, joint venture booths, and perimeter booths.) The fee schedule consists of a fixed fee and a variable fee.[1] The variable fee for each booth can by offset by other Exchange fees generated by the lessee. In particular, the total amount of transaction, trade match and floor brokerage fees can be credited against the variable amount.[2] Members that do not generate other Exchange fees receive no credit. In addition, under the proposal, the Exchange may lease booths to market makers that member firms do not lease, subject to a 30 day termination by the

[1] *See Exhibit A* for the specific fee schedule.

[2] In addition, a maximum credit of $5,000 per booth can be rolled over to subsequent months to offset future variable amounts.

Exchange, so that the CBOE will have the ability to lease all available booths without holding any open for future needs.

In its filing, the CBOE states that the fee reflects the importance the Exchange places on the generation of Exchange-related business in determining member needs for booths. To this end, the fee schedule is designed to provide OCC members or members whose business consists primarily of the execution of options transactions with a credit against the leasing fee for the amount of other Exchange fees that such members generate. Accordingly, the Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder, and, in particular section 6(b)(5) of the Act which provides, among other things, that the rules of the Exchange are designed to regulate the general administration of the Exchange as it pertains to booth leasing.

As the foregoing rule change is concerned solely with the administration of the Exchange as it pertains to establishing fees for booth leasing, it has become effective immediately pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 10, 1989. For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 11, 1989.

Jonathan G. Katz,

Secretary.

EXHIBIT A—MONTHLY FEE PER BOOTH

	OCC firms	Non-OCC firms	Market-makers [1]
(1.) Base amount:			
Perimeter booths	$125	$500	$500
OEX booths	250	625	500
JV booths	250	625	500
(2.) Variable amount [2]	1,250	1,250	N/A

[1] Booths will be leased to market makers only on an available basis and they are subject to a 30 day termination by the Exchange.

[2] The variable amount for each booth can be offset by transaction, trade match and floor brokerage fees on a monthly basis. In addition, a maximum credit of $5,000 per booth can be rolled over to subsequent months to offset future variable amounts. The floor brokerage fees which will be allowed as credits against the variable amount, shall only consist of fees charged for the executions done on behalf of or at the direction of the firm receiving the credit. Therefore, only brokerage performed by a floor broker who is registered for or who is a nominee of the firm will be allowed as a credit against the firm's variable amount. Finally, floor brokerage credits will only be allowed when the primary use of the booth, for which the credit would apply, is that of an options execution business.

[FR Doc. 89-21952 Filed 9-15-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27238; File No. SR-CBOE-89-15]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Flexibility in Handling Multiple Part Transactions

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 73s(b)(1), notice is hereby given that on August 14, 1989, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.74 to require that, in multiple part transactions involving more than one market, the terms of the transaction to be effected in the other market be agreed upon prior to effecting the options transaction and to provide procedures to be followed if the transaction to be effected in the other market cannot be effected within a reasonable period of time. (Brackets indicate language to be deleted, italics indicate new language.)

"Crossing" Orders

Rule 6.74. (a) A Floor Broker who holds orders to buy and sell the same option series may cross such orders, provided that he proceeds in the following manner:

(i) In accordance with his responsibilities for due diligence, a Floor Broker shall request bids and offers for such option series and make all persons in the trading crowd, including the [Board Broker] *Designated Primary Market-Maker* or Order Book Official, aware of his request.

(ii) and (iii) No change.

(b) and (c) No change.

. . . Interpretations and Policies:

.01 through .03 No change.

.04. With the exception of inter-regulatory spreads, where a related transaction must be effected in another market *chosen by the initiator of the trade, the terms of* [that] *the related* transaction must be [effected] *agreed upon* prior to effecting the options transaction *which must be promptly disseminated. The parties to the related transaction are obligated to make reasonable efforts to effect the related transaction on the other market. If, due to market conditions, the related transaction in the other market cannot be effected within a reasonable period of time, the options transaction shall be cancelled on the tape and the options and related transaction may be subject to being rebid or reoffered, unless all parties to the options and related transaction can agree to adjusted terms within the prevailing markets which will allow the options and related transaction to be effected.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the propsed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the

most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposd Rule Change

The purpose of this proposed rule change is to allow necessary flexibility in handling multiple part transactions, involving more than one market, such as, for example, stock-option combination transactions.

Currently, Interpretation .04 to the Rule mandates that in the case of a stock-option combination order, the stock transaction should be "effected" before the options transaction, but does not define "effect" or explain what occurs if the parties reach an agreement to trade both the stock and options at particular prices, and the stock part of the transaction may not be concluded due to market conditions. The Interpretation does not currently explain what occurs if the related transactions cannot all be effected at the agreed prices.

Because of the timing of the "prints" in the stock and options, in which the options transaction will be reported before the stock transactions has been executed, it is essential that the stock be agreed upon in advance of the options execution. If the stock cannot then be printed, the options will be cancelled on the tape. This is because during that interval before the stock transaction has been concluded, the stock price may fluctuate so that the stock trade cannot be crossed, due to such limitations as the short-sale rule or applicable price and priority rules. In such a case, the parties to a stock-option combination transaction may seek to adjust the terms of the transaction. If an appropriate adjustment cannot be arrived at, there is no transaction in either the options or the stock. The proposed rule codifies these practices.

The rule change also specifies that members have an obligation to attempt to effect the agreed-to transaction. Although the Exchange believes that this obligation is implicit in the rule, there have been disputes about whether this is in fact required. The rule change makes this obligation explicit.

The Exchange believes that the proposed rule change is consistent with the Act, and, in particular, section 6(b)(5) thereof in that the rule change provides for the efficient and fair handling of combination orders.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 10, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

[1] 17 CFR 200.30-3(a)(12) (1988).

Dated: September 11, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-21951 Filed 9-15-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27229; File No. SR-NASD-89-25]

Amendment and Order Granting Partial Accelerated Approval of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Rules for Self-Clearing Participants of the Automated Confirmation Transaction Service

September 8, 1989.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 1, 1989, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") an amendment to File No. SR-NASD-89-25 as described in Items I, II, and III below, which Items have been prepared by the NASD.[1] The Commission is publishing this notice of the amendment to the filing, requesting comment on the amendment from interested persons, and publishing an order granting partial accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Rules of Practice and Procedures for the Automated Confirmation Transaction Service ("ACT Rules") as they apply to self-clearing firms, define terms and establish procedures for operating the system. The Rules include, among other things, trade report input requirements, and obligations to compare trades. Amendment No. 2 to SR-NASD-89-25 separates the proposed ACT Rules into two parts—the rules that pertain to self-clearing firms only and the rules that would complete the ACT rule package and that specifically apply to clearing firms. The Association proposes this action in recognition of certain adverse comment letters from representatives of clearing firms who do not believe that the ACT rules requiring clearing firms to honor transactions made by executing correspondent brokers are necessary for the successful operation of the system. The Association therefore requests accelerated approval of the ACT rules

[1] Notice of File No. SR-NASD-89-25 (Securities Exchange Act Release No. 26991, June 29, 1989) was published on July 6, 1989, 54 FR 28531.

that apply to self-clearing firms so that the ACT system may be implemented as soon as possible for those participants, and requests expeditious Commission action on the rules that impact clearing firm participants.[2] Amendment No. 2 to the proposed rule change also modifies two of the risk management features in response to concerns expressed by representatives of clearing firms. First, the "Net Trade Threshold" in the original filing has been changed to a "Gross Dollar Threshold." With this risk management feature, clearing firms will be able to establish, on an inter-day or intra-day basis, a gross dollar amount that it will be willing to clear for each executing correspondent. Originally this feature had been designed to net long and short positions, but clearing firms expressed the belief that a gross dollar amount, adding longs and shorts together, would provide a more accurate depiction of the clearing firm's ultimate exposure. The second modification changes the pre-alert threshold from 80% to 70%, again in response to clearing firms concerns about liability for correspondent trades. Now the ACT system will alert the correspondent and the clearing firm when the correspondent reaches or passes 70% of its daily gross dollar threshold. The language of the conforming amendments to Schedule D and the Rules of Practice and Procedure for the Small Order Execution System ("SOES") in the original filing and Amendment No. 1 to the filing, regarding a market maker's 20-day suspension for unexcused quote withdrawal, has been modified slightly to reflect the language in the ACT rules. The proposed changes to Schedule D and the SOES rules now state that the withdrawal of quotations due to loss of a clearing arrangement in ACT may not result in the automatic 20-day suspension from market making as long as the withdrawal of quotations is not considered voluntary and unexcused.

II. Self-Regulatoy Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Automated Confirmation Transaction service is designed to facilitate comparison and clearing of inter-dealer over-the-counter ("OTC") equity trades by requiring input of trade reports within specific time frames, comparing that trade data, and submitting matched, "locked-in" trades to clearing. Participation in the initial phase of ACT will be mandatory for all NASD broker-dealers that are clearing or comparison members of a clearing agency registered pursuant to section 17A of the Securities Exchange Act of 1934, or that have a clearing or comparison arrangement with such a firm and that are self-clearing firms. The initial phase of ACT has two primary features: (1) match processing, that will compare trade information and submit locked-in trades for regular way settlement to clearing on a trade date or next day ("T+1") basis; and (2) trade reporting for transactions in national market system ("NMS") securities that must be reported pursuant to the National Market System Securities Designation Plan with Respect to NASDAQ Securities.

Initially participation in ACT will be mandatory for brokers that are self-clearing, that is for brokers that execute and clear transactions for their own or their customer's accounts. Participation in ACT will not be required for firms that clear for correspondent or introducing brokers, until such time as the Commission takes action with regard to the rules applicable to clearing firms.

1. ACT Processing

Today OTC trades that are cleared through a registered clearing agency are compared by the National Securities Clearing Corporation ("NSCC") and ACT processed transactions will be submitted to NSCC as locked-in trades on trade date or T+1. ACT is designed as an on-line and end of day matching system that will allow two participants, usually a market maker and an order entry firm,[3] to lock-in details of a trade within minutes of the transaction. Once the two sides have negotiated an OTC transaction, the market maker participating in ACT will be obligated to input the details of the trade, including security identification, unit price, quantity, buy or sell, and contra side—both executing broker and clearing broker, within specific time frames depending on the security and the method of accessing the system.

Transactions in OTC reportable securities, i.e., round lots of NMS securities, must be reported to ACT within 90 seconds after execution, and the ACT system will forward the reports to the NMS high speed tape, the National Trade Reporting System. Firms that access the ACT system through computer interface must report all trades within 90 seconds after execution; firms that report to ACT through terminal entry, either Harris, Harris emulation or NASDAQ Workstation™, must report NMS trades to ACT within 90 seconds if acting as a selling market maker, and all other trades within 6½-minutes.

The order entry side, if a terminal entry firm, may also input details of the trade, or utilize the Browse feature of the system and accept or decline the trade as reported, within the 6½ minute time frame.

These time frames are currently under review by the Association in response to comments from participants who believe they might be too restrictive especially at the outset of ACT. If the NASD Board of Governors approves an expansion to the data input time frames, another filing will be made reflecting those changes.

Locked-in trades must be guaranteed to settle by the two parties to the transaction. The ACT system utilizes three methods to lock-in trades on trade date: trade by trade match, trade acceptance, or aggregate volume match. As both sides of the trade are reported to ACT, or one side is reported and accepted by the other, the ACT system performs on-line match processing, and if all elements match or the trade report has been accepted by the other side, the trade will be locked-in and submitted as such to NSCC at the end of the day. In addition to matched and accepted trades, Act processing will run a batch type comparison at the end of each day that will aggregate volume of previously unmatched trade reports to effect a match. For example, if a market maker enters reports of two trades, 300 shares and 400 shares of the same stock, same price and same contra side, but the order entry side aggregates the volume and reports one 700 share trade, the

[2] The Association has responded to the adverse comment letters under separate cover. *See* letter to Jonathan Katz, Secretary, Securities and Exchange Commission from Lynn Nellius, Secretary, NASD, dated August 21, 1989.

[3] The ACT system is designed for a "market maker" side and an "order entry firm" side for ease of system application and terminology. ACT may of course be used by two market makers or two order entry firms, and the rules applicable to each party to a transaction are set out in the ACT Operating Rules.

trades would not match in the trade by trade comparison process because the "number of shares" field in the trade reports are not identical. At the end of the day, however, the ACT aggregate volume match cycle will compare the remaining unmatched trade reports, select those in which all the other data fields match, aggregate the share volume in the reports, lock those trades in and submit them to clearing.

Not all trade reports will be processed and locked-in by ACT on trade date. If a trade report has been declined by the order entry side on trade date, the ACT system will delete the report at the end of the day and the trade report will not be sent to clearing. A participant may decline a trade because there is a mistake in the terms reported, and may enter his version of the transaction into ACT; the market maker also has the opportunity to correct the error that caused the trade to be declined. In addition, any trade report that is "open" (unmatched and not declined at the end of trade date processing) will be carried over to T+1 for further processing.

ACT matching continues on T+1: trade date reports submitted on T+1 will be considered "as-of" trades and will be accepted for matching; any other corrections or adjustments to trade date input by the entering party will be accepted from either side of the transaction. At the end of the T+1 cycle, declined trades and open "as-of" trades will be removed from the system and not forwarded to NSCC.

ACT T+1 trade acceptance and end of day matching procedures are similar to those described above for trade date, with one notable exception. Those trade date reports that remain open at the end of the T+1 cycle will automatically be treated as locked-in trades and sent as such to NSCC. For example, two ACT participants negotiate a trade for 500 shares of XYZ stock at 20½. The market maker reports the transaction to ACT as 500 shares at 20½; the order entry side, however, reports the trade to ACT as 500 shares at 20⅝. Since match by match processing will not lock-in this trade, it will appear in each party's ACT trade file as an open report on trade date and on T+1. If neither the market maker nor the order entry side reviews its open trades on the ACT display and accepts or corrects the open trades, at the end of T+1 processing *both* trades will be treated as locked-in and both participants will be obligated to clear and settle 1,000 shares of XYZ stock. Further, in the example noted above in which one side inputs two trade reports, but the other side aggregates the reports, if one side has input an erroneous number, the system will match and aggregate to the extent possible and display any remaining shares to each side as an open report. Take for example a situation in which there were two trades for 300 and 400 shares, but the market maker erroneously submits trade reports for 500 and 400 shares, for a total of 900 shares, into the system. The order entry side, believing the trades to be for 300 and 400 shares, appropriately aggregates the reports and inputs a trade report of 700 shares into ACT. The end of day aggregate volume process will match and lock-in 700 shares, but the ACT system will now display the remaining 200 shares to each participant as an open trade. If neither party declines this report, at the end of T+1, each will be obligated to accept and clear the 200 share trade.

Treating open trade reports that were input on trade date at the end of T+1 processing as locked-in trades is necessary to maintain the integrity of the system and promote the goals of certainty and finality of trades in the OTC market. Furthermore, ACT has been designed to provide participants with ample opportunities to review trade details, both intra-day and with end-of-day recaps, and a conscientious participant, using the safeguards provided by the system should not be caught unaware and obligated for multiple trade reports.

2. Tape Reporting

The ACT Rules will require participants to report tape reportable NMS trades to the system within 90 seconds after execution, and the system will transmit the appropriate trade reports, i.e., internalized and inter-dealer NMS trades of round lots, to the NASDAQ/NMS high speed tape. The ACT Rules in no way abolish or abrogate any of the obligations of market makers or reporting members as defined in Schedule D, Part XII, Reporting Transactions in NASDAQ National Market System Designated Securities, except to the extent that participants in ACT will not be obligated to report NMS transactions to two systems. Transactions not reported within 90 seconds after execution shall be reported as late, and the ACT system will transmit the late reports to the high speed tape. In addition, although the NMS reporting rules permit aggregation of trade reports in certain circumstances,[4] the ACT system can only match aggregated reports of transactions with the same contra party. Therefore, if a market maker wishes to aggregate all reports of orders received prior to the opening for tape reporting purposes, he would later be required to amend the reports and distinguish the contra sides for ACT purposes.

3. Implementation of ACT

a. Eligible Securities. Securities eligible for inclusion in the ACT system will be phased in over a long range implementation schedule. Phase 1 will include all NASDAQ securities, NMS and regular NASDAQ, brought on to the system alphabetically as operational considerations permit. Phase 2 will add listed securities traded in the third market. Planning for phases 3 and 4 for ACT eligible securities include, respectively, non-NASDAQ stocks cleared by a registered clearing agency and all other OTC equity securities, for comparison purposes only. During all phases of ACT implementation, the securities available for actual inclusion in the system will be added on a gradual basis, consistent with the system's operational considerations. The Association has no specific timetable for phasing in eligible securities, but will proceed at a pace designed to accommodate the participants and the system's capabilities, and will update the Division of Market Regulation staff periodically as to the status of each phase of implementation.

b. Eligible Participants. Although participation in ACT is mandatory for all NASD members that are members of a registered clearing agency or that have a clearing arrangement with such a member, the system has been designed to support firms that may not be immediately capable of participating in ACT when it becomes operational or that may, from time to time, experience operational difficulties. These various stages of readiness are identified in the system as "availability states:"

(1) Not Ready, where a firm is not yet an ACT Participant (e.g., firms that intend to access ACT through computer interface, but whose programming may not be completed);

(2) Unavailable, where an ACT Participant is temporarily unable to participate due to technical malfunctions; and

(3) Available, where the firm is an ACT Participant and all ACT rules and procedures apply.

A firm's ability to interact with the system will determine the scope of its participation. For example, a Not Ready

[4] *See* Schedule D, Part XII, Section 2(f).

firm, while it is unable to enter trade reports into ACT, may be able to view the trades entered by contra parties naming it as a party to the trade, but the system will not lock-in any such trade. Instead, ACT will submit a one-sided trade report to NSCC at the end of trade date processing on behalf of the firm that made the ACT entry, and NSCC will handle that trade report as it does today, without the Association's identifying it as a locked-in ACT trade. A firm that is Unavailable for ACT processing will also be protected from automatic processing; at the end of the T+1 cycle, the open trades entered against an Unavailable firm will not be locked-in, as described above, but will be sent to NSCC as one-sided trade reports. Available firms will of course be able to participate in all of the ACT system's features and will be obligated to abide by the rules and procedures of the system.

c. *Interaction With Other NASD Systems.* As an independent system, ACT was designed initially to compare trade reports and lock-in trades for submission to clearing. Because the membership and the Board decided to make participation in ACT mandatory for firms with clearing arrangements, and because the tape reporting applications were integrated into the system, ACT necessarily interacts with many other automated systems. For example, all SOES market makers in National Market System securities are required to maintain a clearing arrangement with a registered clearing agency and may be penalized with a 20 day suspension for an unexcused withdrawal from SOES. But, if a market maker loses its clearing arrangement because of some activity in ACT, it will be removed from the ACT system and necessarily from NASDAQ/NMS until another clearing arrangement is made. Regardless of the time needed to establish another clearing arrangement, the market maker would face the 20 day suspension because of the NASDAQ Rules. The Uniform Practice Committee recommended, and the Board approved, an exception to the 20 day penalty so that a market maker that loses its clearing arrangement in ACT would not be penalized in NASDAQ. The ACT Rules and the proposed amendment to the SOES Rules and Schedule D would therefore allow a market maker to be reinstated in NASDAQ when a clearing arrangement has been reestablished, unless the Association finds that the withdrawal of quotations was voluntary, and therefore unexcused. [5]

Once ACT is fully operational, the need for TARS will be reduced. The Association anticipates, however, that TARS will be used for other than regular-way settlements, such as cash, seller's option or next-day settlement, for processing as-of or withholds entered after T+1, and for non-ACT members, i.e., members of the NASD that do not maintain a clearing arrangement with a registered clearing agency, or clear through such a member. TARS, therefore, will remain accessible to members and any necessary filings regarding changes in the status of TARS will be made with the Commission at that time.

4. Participant Obligations in ACT

Pursuant to Article VII, Sections 1(a)(6) and (7) of the By-Laws of the Association, the Board has determined that participation in ACT is mandatory for all broker-dealers that are members of a clearing agency registered with the Securities and Exchange Commission pursuant to Section 17A of the Securities Exchange Act of 1934, and for all broker-dealers that have a clearing arrangement with such a member. Participation in ACT is conditioned upon execution of a participant application agreement, prompt payment of fees for the service, and compliance with rules and requirements of the system. ACT participants, initially only self-clearing firms, shall be obligated to accept and clear each transaction that the system identifies as having been effected by the party as a principal to the trade, until such time as the participant is removed from the system.

5. Statutory Basis

The statutory basis for the amendment to the proposed rule change is found in section 15A(b)(6) of the Securities Exchange Act of 1934. Among other things, Section 15A(b)(6) requires that the Association's rulemaking initiatives be designed to foster cooperation and coordination with persons engaged in clearing, settling and facilitating transactions in securities. As described in detail above, the ACT system will facilitate the prompt and accurate clearance and settlement of trades by performing the comparison automatically and transmitting locked-in trades to the clearing agency.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association believes that the amendment to the proposed rule change does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Although use of the ACT system will be mandatory for members with an access arrangement with a registered clearing agency, the benefits of ACT, increasing the efficiency of post trade comparison and reducing the length of time that investors and members are exposed to market risk from uncompared trades, outweigh any potential competitive burden.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

General membership comments on ACT were neither solicited nor received; however, the Association did solicit comments on a proposed amendment to the NASD By-Laws authorizing the NASD to require the reporting of trade information by members conducting an inter-dealer over-the-counter business. These comments were reviewed by the Commission and the By-Law was approved in October, 1988.[6]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The NASD requests the Commission to find good cause for approving that part of the ACT rules package applicable to self-clearing firms prior to the 35th day after publication of the notice of amendment in the **Federal Register.** The proposed rules for the ACT system have been published for comment in the **Federal Register** [7] previously, and there have been no adverse comments on rules applicable to self-clearing firms. The NASD believes it appropriate to approve the self-clearing rule package of the ACT Rules, so that the service may be implemented with self-clearing broker-dealers as soon as practicable.

The Commission finds that the

[5] Review of such a finding is available through procedures set out in the NASD's Code of Procedure, ¶ 3001 et seq.

[6] *See* Release No. 34-26215, 53 FR 43958.

[7] *See* Release No. 34-26691, File No. SR-NASD-89-25, 54 FR 28531, July 6, 1989.

amendment to the proposed rule change that approves the ACT Rules as they apply to self-clearing firms is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A, and the rules and regulations thereunder.

The Commission finds good cause for approving the amendment to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that accelerated approval is appropriate to begin implementation of the Automated Confirmation Transaction Service as it applies to self-clearing firms as soon as practicable. As noted above, the substance of the self-clearing firm rule package was noticed and the Commission received no comments on that aspect of the proposal.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC. 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by October 10, 1989.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the ACT rules applicable to self-clearing firms as described above be and hereby are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: September 7, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-21617 Filed 9-15-89; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7335]

Issuer Delisting; Notice of Application To Withdraw from Listing and Registration; Lee Pharmaceuticals, Common Stock, Par Value $.10

September 6, 1989.

Lee Pharmaceuticals ("Company"), has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder to withdraw the above specified security from listing and registration on the Pacific Stock Exchange ("PSE"). The Company's Common Stock is also listed on the American Stock Exchange, Inc. ("AMEX").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company hereby applies for delisting of its common stock because the volume of trading in the common stock on the PSE is not deemed to warrant the expense of maintaining the listing.

Any interested person may, on or before September 27, 1989, submit by letter to the Secretary of the Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-21902 Filed 9-15-89; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted by October 18, 1989. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (SF 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: William Cline, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653-8538.

OMB Reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395-7340.

Title: Application for Business Loans
Form Nos.: SBA Forms 4, 4I, 4 SchA, 4 Short Form, 1690
Frequency: On occassion
Description of respondents: SBA Business Loan Applicants
Annual Responses: 28,000
Annual Burden Hours: 554,400

Title: Study of Contingent Labor Force in Small and Large Firms
Form No.: SBA Form 1693
Frequency: On occassion
Description of respondents: Random Sample of Small Businesses
Annual Responses: 1190
Annual Burden Hours: 297.5

William Cline,

Chief, Administrative Information Branch.

[FR Doc. 89-21971 Filed 9-15-89; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 03/03-0190]

MNC Ventures, Inc.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 *et seq.*) has been filed by MNC Ventures, Inc. (Applicant), 502 Washington Avenue, Suite 800, Towson, Maryland 21204, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1989).

The proposed officers, directors, and sole shareholder of the Applicant are as follows:

Name & Address	Position
Hugh A. Woltzen, 117 Croydon Road, Baltimore, MD 21212.	Chairman of the Board, Director.
J. Allan Kayler, 401 Edgevale Road, Baltimore, MD 21210.	President, Treasurer, Director.
Dennis J. Bickerstaff, 215 Hunters Ridge Road, Timonium, MD 21093.	Vice President, Asst. Secretary.
Edward J. Stark, 10791 Crest Street; Fairfax, VA 22030.	Secretary.
Hope M. Moore, 3015 Suffolk Lane, Fallston, MD 21047.	Director.
J. Drexel Knight, 5712 Charlestown Drive, Baltimore, MD 21212.	Director.
MNC Credit Corp; 502 Washington Avenue, Towson, MD 21204.	Sole Shareholder.

MNC Credit Corp is wholly-owned by MNC Affiliates Group which, in turn, is wholly-owned by MNC Financial, Inc. 10 Light Street, Baltimore, Maryland 21203. MNC Financial, Inc. is a regional bank holding company. No individual stockholder holds more than ten percent of its voting stock.

The Applicant will begin operations with a capitalization of $1,000,000 and will be a source of equity capital and long-term loan funds for qualified small business concerns.

The Applicant intends to conduct its business principally in the State of Maryland, and secondarily in the States of Pennsylvania, New Jersey, Delaware, Virginia and the District of Columbia.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the Applicant under their management including profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" St., NW., Washington, DC 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Towson, Maryland.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 11, 1989.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 89-21970 Filed 9-15-89; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/1305]

Fine Arts Committee; Meeting

The Fine Arts Committee of the Department of State will meet on Monday, September 25, 1989 at 2:30 p.m. in the John Quincy Adams State Drawing Room. The meeting will last approximately until 4:00 p.m. and is open to the public.

The agenda for the committee meeting will include a summary of the work of the Fine Arts Office since its last meeting in April 1989 and the announcement of gifts and loans of furnishings as well as financial contributions since January 1, 1989.

Public access to the Department of State is controlled. Members of the public wishing to take part in the meeting should telephone the Fine Arts Office by Wednesday, September 20, 1989, telephone (202) 647-1990 to make arrangements to enter the building. The public may take part in the discussion as long as time permits and at the discretion of the chairman.

Dated: August 28, 1989.

Clement E. Conger,

Chairman, Fine Arts Committee.

[FR Doc. 89-21984 Filed 9-15-89; 8:45 am]

BILLING CODE 4710-38-M

[Public Notice CM-8/130]

Advisory Committee on International Communications and Information Policy; Meeting

The Department of State announces that the Subcommittee on Industrialized Country Policy Issues of the Advisory Committee on International Communications and Information Policy will meet on Thursday, October 5, 1989, in the East Auditorium (Room 2729) of the Department of State from 10:00 a.m. until 12:00 p.m.

The Subcommittee provides advice to the Department on communications and information policy issues of concern to industrialized countries, and includes advice on communications and information policy issues being addressed in the Organization for Economic Cooperation and Development (OECD) and, more particularly, the OECD's Committee on Information, Computers and Communications Policy (ICCP).

The October 5 meeting will first hear a report on the June 20-21, 1989 meeting of the ICCP's Working Party on Telecommunications and Information Services Policies (TISP), including the following:

(a) EC and OECD member views on the June meeting of the Group on Negotiations on Service in Geneva at which telecommunications services were discussed;

(b) the TISP work on trade in telecommunications and information services, including proposals for future work in the following areas:

(1) The international accounting and settlement procedures; and

(2) A more detailed analysis of "access to the network" as a trade principle.

(c) The TISP paper on investment in telecommunications; and

(d) Preparation for a November 26-28, 1990 Special Session on Telecommunications Policy.

The October 5 meeting will also consider issues to be discussed at several upcoming OECD meetings, including the October 16-18 meeting of the ICCP Committee, and an October 19-20 seminar at the OECD at which the Berkeley Roundtable on the International Economy will present the results of a two-year study carried out in selected OECD member countries on how corporations use information networking to improve their competitive position, and how the regulatory environment in telecommunications influences these developments.

If information is available at the time of the Subcommittee meeting, the meeting will also consider issues to be discussed at a November 13-14 ICCP meeting on software protection.

The Subcommittee will also discuss the current status of the ICCP/CMIT questionnaire on computer services, computerized information services and value added network services.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. Prior to the meeting, persons who plan to attend should so advise the office of Mrs. Lucy H. Richards, Department of State, Washington, DC, telephone (202) 647-5230. Attendees should use the 21st Street entrance to the Department of State, and plan to reach 21st Street with sufficient time to be processed into the building, as access to the State Department building is controlled.

Dated: August 30, 1989.

Lucy H. Richards,

Director, Office of Industrialized Country Policy, and Executive Secretary, Advisory Committee on International Communications and Information Policy.

[FR Doc. 89-21986 Filed 9-15-89; 8:45 am]

BILLING CODE 4710-07-M

Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas; Notice of Partially Closed Meeting

Notice is hereby given, pursuant to the provisions of Public Law 92-463, that a meeting of the Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas (ICCAT) will be held on October 5 and 6 1989 from 9:30 a.m. to 5:00 p.m. in Washington, DC. The Advisory Committee meets annually to discuss the conservation and management of tuna fisheries in the Atlantic Ocean and U.S. preparations for meetings of the International Commission for the Conservation of Atlantic Tunas. The ICCAT meeting is scheduled for November 13-17, 1989 in Funchal Madeira, Portugal.

The October 5 session will be held in the Departmental Auditorium, 1300 Constitution Avenue NW. The session will be open to the public, and the public may participate in the discussion subject to the instructions of the Committee Chair. Subjects to be discussed include overview of U.S. ICCAT preparations, review of the ICCAT Billfish Program, review of 1988 ICCAT SCRS Swordfish Panel and 1989 ICCAT Swordfish Preparations, the report of the Swordfish Assessment Review Panel, review of tropical tunas and albacore, review of the Yellowfin Year Program Workshop, review of ICCAT SCRS Bluefin Tuna Panel and 1989 ICCAT Preparations, the report of Bluefin Tuna Fishery Conducted in the U.S. Zone and in the Canadian Zone, and estimates of Japanese harvests of tunas, billfish, swordfish, and sharks in the Atlantic U.S. EEZ, and other matters.

The Advisory Committee will meet in closed session on October 6 in the Main Commerce Building, 14th and Constitution Avenue NW, Room 6802. At this session, documents classified in accordance with Executive Order 12356 of April 12, 1982 will be circulated and discussed and matters will be considered which the public interest requires be withheld from disclosure. Accordingly, a determination has been made to close this session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. I, s.10(d) and 5 U.S.C. 552b (c)(1) and (c)(9).

Requests for further information on the meeting should be directed to Brian Hallman, OES/OFA, Room 5806, Department of State. He may be reached by telephone at (202) 647-2335.

Dated: September 8, 1989.

Edward E. Wolfe,

Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc. 89-21985 Filed 9-15-89; 8:45 am]

BILLING CODE 4710-09-M

[Public Notice CM 8/1306]

Chairman's Special Ad Hoc Subcommittee of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that the Chairman's Special Ad Hoc Subcommittee of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on September 27, 1989, in Room 1207, Department of State, 2201 C Street NW., Washington, DC. The meeting will be held from 9:30 a.m. to 12:30 p.m.

The Chairman's Special Ad Hoc Subcommittee studies issues assigned by the U.S. CCIR National Committee. The purpose of this meeting is to prepare a U.S. position on CCIR Studies to be carried out for submission to the World Administrative Radio Conference (WARC 92) for frequency allocations in certain parts of the spectrum.

Members of the general public may attend and participate in the meeting, subject to available seating and the instructions of the Chairman. Requests for further information should be directed to the Chairman: Mr. Warren G. Richards, CIP/RSP, Department of State, 2201 C Street NW., Washington, DC, 20520; telephone (202) 647-0049.

Dated: August 31, 1989.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee

[FR Doc. 89-21987 Filed 9-15-89; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Change of Name of Approved Trustee

Notice is hereby given that effective September 1, 1987, United Virginia Bank, Richmond, Virginia, changed its name to Crestar Bank.

Dated: September 11, 1989.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 89-21954 Filed 9-15-89; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 89-87]

Approval of Chemical and Petrochemical Inspections, Incorporated as a Commercial Gauger

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of approval of chemical and petrochemical inspections, incorporated as a commercial gauger.

SUMMARY: Chemical and Petrochemical Inspections, Incorporated of Groves, Texas recently applied to Customs for approval to gauge imported petroleum, petroleum products, organic chemicals, and vegetable and animal oils under § 151.13 of the Customs Regulations (19 CFR 151.13). Customs has determined that Chemical and Petrochemical Inspections meets all of the requirements for approval as a commercial gauger.

Therefore, in accordance with § 151.13(f) of the Customs Regulations, Chemical and Petrochemical Inspections, Incorporated, 3889 Main Avenue, Groves, Texas 77619, is approved to gauge the products named above in all Customs districts.

EFFECTIVE DATE: September 13, 1989.

FOR FURTHER INFORMATION CONTACT: Donald A. Cousins, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-2446).

Dated: September 12, 1989.

John B. O'Loughlin,

Director, Office of Laboratories and Scientific Services.

[FR Doc. 89-21877 Filed 9-15-89; 8:45 am]

BILLING CODE 4820-02-M

Office of Thrift Supervision

[Order No. AC-2; FHLBB No. 3140]

First Federal Savings and Loan Association of Darlington, Darlington, SC; Final Action; Approval of Conversion Application

August 15, 1989.

Notice is hereby given that on August 11, 1989, General Counsel, Office of

Thrift Supervision, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of First Federal Savings and Loan Association of Darlington, Darlington, South Carolina, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, and Supervisory Agent at the Office of Thrift Supervision, Atlanta District Office, 1475 Peachtree Street NE., Atlanta, Georgia 30309.

By the Office of Thrift Supervision.

M. Danny Wall,

Directory.

[FR Doc. 89-21875 Filed 9-15-89; 8:45 am]

BILLING CODE 6720-01-M

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held September 20, 1989 in Room 600, 301 4th Street, SW., Washington, DC from 10:30 a.m. to 12:00 p.m.

The Commission will meet with Mr. Frank Johnson, Director, Office of Public Liaison, USIA and Mr. Alberto Mora, General Counsel, USIA. The Commission will also meet with Mr. Vic Olason, Director, Office of European Affairs; Ms. Cynthia Miller, Deputy Director for Western Europe, Office of European Affairs; Mr. Dell Pendergrast; Deputy Director for Eastern Europe, Office of European Affairs and Mr. Walt Raymond, Assistant Director and Coordinator for the President's Eastern European Program for a briefing on issues to be discussed at the Commission's Paris meeting and on the President's Eastern European program.

Please call Gloria Kalamets, (202) 485-2468, if you are interested in attending the meeting since space is limited and entrance to the building is controlled.

Dated: September 12, 1989.

Ledra L. Dildy,

Staff Asst., Federal Register Liaison.

[FR Doc. 89-21905 Filed 9-15-89; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF VETERANS AFFAIRS

Cooperative Studies Evaluation Committee; Meeting

The Department of Veterans Affairs gives notice under Public Law 92-463 (Federal Advisory Committee Act) as amended by section 5(c) of Public Law 94-409 that a meeting of the Cooperative Studies Evaluation Committee will be held at the Radisson Park Terrace Hotel, 1515 Rhode Island Avenue, NW., Washington, DC 20005 on October 11 and 12, 1989. The sessions on both days are scheduled to begin at 7:30 a.m. and end at 3:30 p.m. The meeting will be for the purpose of reviewing two new clinical trials, one in cataract surgery and one in anesthesia and the progress of four on-going cooperative studies in prostatic surgery, hypertension, antiplatelet therapy after by-pass surgery and treatment of AIDS related complex. The Committee advises the Director, Medical Research Service, through the chief of the Cooperative Studies Program on the relevance and feasibility of the studies, the adequacy of the protocols, and the scientific validity and propriety of technical details, including protection of human subjects.

The meeting will be open to the public up to the seating capacity of the room from 7:30 to 8 a.m. on both days to discuss the general status of the program. To assure adequate accommodations, those whose plan to attend should contact Dr. Ping Huang, Coordinator, Cooperative Studies Evaluation Committee, Department of Veterans Affairs Central Office, Washington, DC (202) 233-2861, prior to October 6, 1989.

The meeting will be closed from 8 a.m. to 3:30 p.m. on both days for consideration of specific proposals in accordance with provisions set forth in section 10(d) of Public Law 92-463, (the Federal Advisory Committee Act) as amended by section 5(c) of Public Law 94-409, and 5 U.S.C. 552b(c)(6). During this portion of the meeting, discussions and recommendations will deal with qualifications of personnel conducting the studies, staff and consultant critiques of research protocols, and similar documents, and the medical records of patients who are study subjects, the disclosure of which would constitute clearly unwarranted invasion of personal privacy.

Dated: September 5, 1989.

By direction of the Secretary.

Sylvia Chavez Long,

Committee Management Officer.

[FR Doc. 89-21894 Filed 9-15-89; 8:45 am]

BILLING CODE 8320-01-M

Administrator's Educational Assistance Advisory Committee; Meeting

The Department of Veterans Affairs gives notice that a meeting of the Administrator's Educational Assistance Advisory Committee, authorized by 38 U.S.C. 1782, will be held in the Omar Bradley Conference Room, on the tenth floor of VA Central Office, 810 Vermont Avenue, NW., Washington, DC 20420, on September 27, 1989. The session will begin at 8 a.m. The purpose of the meeting will be to review the legislative effects of the Education Commission's recommendations and other relevant issues.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mrs. Mary F. Leyland, Executive Secretary, Administrator's Educational Assistance Advisory Committee (phone 202-233-2152) prior to September 20, 1989.

Interested persons may attend, appear before, or file statements with the Committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 3 p.m. on September 27, 1989.

Dated: September 13, 1989.

By direction of the Secretary.

Sylvia Chavez Long,

Committee Management Officer.

[FR Doc. 89-22036 Filed 9-15-89; 8:45 am]

BILLING CODE 8320-01-M

Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Department of Veterans Affairs gives notice under the provisions of Public Law 92-463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Department of Veterans Affairs Central Office, 810 Vermont Avenue, NW., Washington, DC, on October 31, 1989, and November 1, 1989, at 8:30 a.m.

The Committee will: (1) Review and make appropriate recommendations relative to the Department of Veterans Affairs' programs to assist Vietnam veterans who were exposed to herbicides; such recommendations may

concern the information delivery system and outreach efforts, scheduling of Agent Orange-related examinations, essential follow-up activities, and other related matters; (2) advise the Secretary on VA Agent Orange-related programs, programs of the Federal Government, and State programs which are designed to assist veterans exposed to herbicides, and simultaneously, will minimize duplication of VA and other Federal programs concerned with the Agent Orange issues; (3) receive and review information from veterans service organizations regarding services provided by the Department of Veterans Affairs to Vietnam veterans concerned about the possible adverse health effects of exposure to herbicides; (4) review and comment on proposals for research on the possible health effects of exposure to herbicides; and (5) serve as a forum individual veterans to inform the Department of Veterans Affairs of their views on policy issues and on the operation of Department programs designed to assist veterans exposed to herbicides and dioxins in Vietnam. The meeting will be open to the public up to the seating capacity of the room.

The first day of the meeting (October 31, 1989) will be devoted to hearing from individuals who have frequent contact with large numbers of Vietnam veterans who are concerned about possible health effects of exposure to Agent Orange. Anyone interested in submitting a written statement or appearing to testify before the Committee should write directly to the Committee Manager as follows: Mr. Donald J. Rosenblum, Staff Assistant, Environmental Medicine Office (10B/AO), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All requests to testify should be accompanied by a brief statement of the requestor's experience and credentials in dealing with Vietnam veterans. All requests to present oral testimony must be received not later than September 29, 1989. All written statements must be received by October 16, 1989.

Minutes of the proceedings and rosters of the Committee members may be obtained from Mr. Donald Rosenblum, Staff Assistant, Environmental Medical Office (10B/AO), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. (Telephone: (202) 233–4117)

Dated: September 8, 1989.

By direction of the Secretary.

Sylvia Chavez Long,

Committee Management Officer.

[FR Doc. 89–21895 Filed 9–15–89; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 179
Monday, September 18, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION FOR PREVIOUS ANNOUNCEMENT: 54 FR 37077.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Tuesday, September 19, 1989.

CHANGE IN THE MEETING: The Commission has postponed the closed meeting to discuss a rule enforcement review until 10:00 a.m., Thursday, September 21, 1989.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, Secretary of the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 89-22116 Filed 9-14-89; 3:17 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 54 FR 37077.

PREVIOUSLY ANNOUNCED TME AND DATE OF MEETING: 10:30 a.m., Tuesday, September 19, 1989.

CHANGE IN THE MEETING: The Commission has postponed the closed meeting to discuss enforcement matters until 10:30 a.m., Thursday, September 21, 1989.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, Secretary of the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 89-22117 Filed 9-14-89; 3:17 pm]

BILLING CODE 6351-01-M

FEDERAL DEPOSIT INSURANCE CORPORAITON

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e) (2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Tuesday, September 12, 1989, the Corporation's Board of Directors determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, and Director M. Danny Wall (Director of the Office of Thrift Supervision), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendation regarding the liquidation of a depository institution's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. FL-89-002: Sunrise Federal Savings Association, Boynton Beach, Florida

Application of America First Financial Funds, Omaha, Nebraska, for exemption from cross-guarantee provisions of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

Matters relating to the Corporation's assistance agreement with an insured bank.

Discussion regarding the Corporation's corporate activities.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), and (c)(9)(B)).

Dated: September 13, 1989.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 89-22126 Filed 9-14-89; 3:53 pm]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: September 14, 1989, 54 FR 38040.

PREVIOUSLY ANNOUNCED DATE AND TIME OF THE MEETING: September 19, 1989, 10:00 a.m.

CHANGE IN THE MEETING:

Addition to the Open Session:

1. Proposed Rules Implementing Report in Fact Finding Investigation No. 15

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523-5725.

Joseph C. Polking,

Secretary.

[FR Doc. 89-22127 Filed 9-14-89; 3:54 pm]

BILLING CODE 6730-01-M

MERIT SYSTEMS PROTECTION BOARD

TIME AND DATE: 1:00 p.m., Thursday, September 28, 1989.

PLACE: Eighth Floor, 1120 Vermont Avenue, NW., Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The adjudication of cases dealing with overpayment of annuities.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Robert E. Taylor, Clerk of the Board, (202) 653-7200.

Dated: September 14, 1989.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 89-22118 Filed 9-14-89; 3:17 pm]

BILLING CODE 7400-01-M

Corrections

Federal Register
Vol. 54, No. 179
Monday, September 18, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 89-101]

Black Stem Rust

Correction

In rule document 89-18734 beginning on page 32788 in the issue of Thursday, August 10, 1989, make the following corrections:

§ 301.38-1 [Corrected]

1. On page 32791, in the second column, in § 301.38-1, in the paragraph beginning *Certificate*, in the fourth line "regulatory" should read "regulated".

§ 301.38-2 [Corrected]

2. On page 32792, in the second column, in § 301.38-2(b), "*B. thunbergii variegata*" was misspelled.

3. On the same page, and in the same column, in § 301.38-2(c), in the first line, after "seedlings", insert "seeds".

§ 301.38-6 [Corrected]

4. On page 32794, in the first column, in § 301.38-6(a), in the second line from the bottom, "or" should read "for".

§ 301.38-8 [Corrected]

5. On the same page, in the second column, in § 301.38-8, in the fourth line, "of" should read "to".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

[Announcement 950]

Development of a Disease Prevention and Health Promotion Program for the Laborers' National Health and Safety Fund of the Laborers' International Union of North America; Availability of Funds for Fiscal Year 1989

Correction

In notice document 89-18801 beginning on page 33080 in the issue of Friday, August 11, 1989, make the following correction:

On page 33080, in the 2nd column, in designated paragraph 5, in the 13th line, "LIUNA" should read "NIOSH".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Meeting

Correction

In notice document 89-19304 appearing on page 33969 in the issue of Thursday August 17, 1989, make the following correction:

In the second column, in the third complete paragraph, in the third line, add "™" after "XANAX".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-940-09-4214-10; CA 391]

Cancellation of Withdrawal Application and Opening of Land; California

Correction

In notice document 89-19815 beginning on page 35087 in the issue of Wednesday, August 23, 1989, make the following corrections:

On page 35087, in the 1st column, in section 19, in the 1st line, "Trace" should read "Tract"; and in the 16th line "then S. 72°34'04" W.," should read "then S. 72°34'04" E.,".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-940-09-5410-10-ZBAQ; CACA 24449]

Conveyance of Mineral Interests in California

Correction

In notice document 89-19327 appearing on page 33977 in the issue of Thursday, August 17, 1989, make the following correction:

In the first column, under Serial No.- CACA 24449, the second and third lines should read "sec. 34, W½W½NE¼SW¼, W½SE¼SW¼. County—San Bernardino."

BILLING CODE 1505-01-D

Federal Register

Monday
September 18, 1989

Part II

Department of Housing and Urban Development

Office of Public and Indian Housing

Public Housing Drug Elimination Program; Fund Availability; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Public and Indian Housing

[Docket No. N-89-2036; FR-2675]

Public Housing Drug Elimination Program; Notice of Fund Availability

AGENCY: Office of Public and Indian Housing, HUD.

ACTION: Notice of fund availability.

SUMMARY: HUD is announcing the availability of $8,200,000 in grant funds appropriated by the Dire Emergency Supplemental Appropriations Act (Pub. L. 101-45, approved June 30, 1989). These funds are to be used in a manner consistent with the requirements of the Public Housing Drug Elimination Act of 1988 to provide grants to Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) to eliminate drug-related crime in public housing projects. To receive funding under the program, PHAs and IHAs are required to develop a plan for addressing drug-related crime, and to indicate how assisted activities will further the plan. Grant funds may be used for the following activities designed to eliminate drug-related crime: (1) Employment of security personnel and investigators; (2) reimbursement of local law enforcement agencies for the cost of providing additional security and protective services; (3) physical improvements designed to enhance security in public housing projects; (4) support of public housing tenant patrols acting in cooperation with local law enforcement agencies; (5) innovative programs to reduce drug use in and around public housing projects; and (6) funding of Resident Management Corporations (RMCs) and Resident Councils (RCs) to develop security and drug abuse prevention programs involving site residents.

HUD recently published a proposed rule for the Public Housing Drug Elimination program, most of the requirements of which are contained in this NOFA. However, the Department has made a number of revisions in this NOFA to the proposed rule requirements, and the public is invited to submit comments on these provisions. In developing the final rule for the program, HUD will consider the public comments received on both the proposed rule and this NOFA.

EFFECTIVE DATE: The requirements contained in this NOFA are effective as of September 18, 1989.

DATE: Public comments on the NOFA must be received by November 17, 1989.

ADDRESS: Interested persons are invited to submit comments to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Comments should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours (weekdays 7:30 a.m. to 5:30 p.m.) at the above address.

As a convenience to commenters, the Rules Docket Clerk will accept brief public comments transmitted by facsimile ("FAX") machine. The telephone number of the FAX receiver is (202) 755-2575. Only public comments of six or fewer total pages will be accepted via FAX transmittal. This limitation is necessary to assure reasonable access to the equipment. Comments sent by FAX in excess of six pages will not be accepted. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Rules Docket Clerk at (202) 755-7084. (Neither of the telephone numbers listed in this paragraph is toll-free.)

APPLICATION DEADLINE: Applications must be received by 5:15 p.m., Eastern Standard Time, on November 2, 1989, or postmarked no later than November 2, 1989, at the Department of Housing and Urban Development, Room 4110, 451 Seventh Street SW., Washington, DC 20410, Attention: Howard Mortman, Office of Public and Indian Housing. A copy of the application materials should be simultaneously forwarded to the HUD Field Office with jurisdiction over the PHA or IHA, Attention: Director, Assisted Housing Branch.

FOR FURTHER INFORMATION CONTACT: Howard Mortman, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4110, Washington, DC 20410, telephone (202) 755-3611. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The information collection requirements contained in this Notice of Fund Availability (NOFA) have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980, and have been assigned OMB control number 2577-0124. Public reporting burden for the collection of information requirements contained in this NOFA are estimated to include the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Information on the estimated public reporting burden is provided at section 4.4 of this NOFA under *Other Matters*. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street SW., Room 10276, Washington, DC 20410; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

I. Background

The Dire Emergency Supplemental Appropriations Act (Pub. L. 101-45, approved June 30, 1989) appropriated $8,200,000 for grants for use in eliminating drug-related crime in public housing projects. That Act requires appropriated funds to be used in a manner consistent with the requirements of the Public Housing Drug Elimination Act of 1988.

Congress authorized the Public Housing Drug Elimination Program under chapter 2, subtitle C, title V of the Anti-Drug Abuse Act of 1988 (Pub. L. 100-690, approved November 19, 1988) ("the Act"). The Act authorizes HUD to make grants to public housing agencies (PHAs) and Indian Housing Authorities (IHAs) to eliminate drug-related crime in selected public housing projects.

The Department published a proposed rule for the program on June 21, 1989 (54 FR 26154). The majority of the proposed rule requirements are reflected in this NOFA announcing the availability of the $8,200,000 appropriation. However, the Department is requesting public comment on those provisions of the NOFA that differ from the requirements of the proposed rule. HUD will consider the comments on the NOFA and the proposed rule when it develops the final rule for the program.

II. Implementation of the Program

The Public Housing Drug Elimination Program provides grant funds to PHAs and IHAs for a number of eligible activities designed to reduce the incidence of drug-related crime in public housing projects.

A. Entities eligible to participate

In general, a PHA or IHA may undertake any of the eligible activities under this program or it may contract with a qualified third party, including Resident Management Corporations (RMCs) and Resident Councils (RCs). If neither an RMC or RC exists, the Department encourages PHAs and IHAs to share with an organized group of project residents the development of the

grant application and the management or operation of the program. However, it should be noted that the only tenant organizations that may receive funds as subgrantees under this program are RMCs or RCs; other organized groups of project residents may share with the PHA or IHA in the management or operation of the program, but may not receive funds as subgrantees.

An RMC under this NOFA must comply with the requirements of 24 CFR part 964 (as amended on September 7, 1988, see 53 FR 34676). In the case of an IHA, the RMC or RC must meet the requirements of section 1.3 of this notice. However, to increase the ability of PHAs to combat drug-related criminal activity in their projects, RCs as well as RMCs will be permitted to undertake any of the functions specified under this NOFA (including any of the eligible activities at section 2.1), notwithstanding the otherwise applicable requirements of 24 CFR part 964.

Subgrants or cash contributions to RMCs or RCs may be made only under a written agreement executed between the PHA and the RMC or RC. The agreement must include a project budget that is acceptable to the PHA, and that is otherwise consistent with the PHA's grant application budget. In addition, the agreement must obligate the RMC or RC to permit the PHA to inspect and audit the RMC or RC financial records related to the agreement, and to account to the PHA on the use of grant funds, and on the implementation of project activities.

The PHA shall be responsible for monitoring, and for providing technical assistance to, any subgrantee to ensure compliance with HUD program requirements, including OMB Circular Nos. A–110 and A–122, which apply to the acceptance and use of assistance by private nonprofit organizations. The PHA must also ensure that subgrantees are covered under the PHA's liability, or other equivalent, insurance.

B. Eligible activities

Grant amounts may only be used for the activities listed below, and for incidental costs related to carrying out these activities, provided the PHA or IHA has a cost allocation plan in place.

1. Security personnel

Security personnel may be employed under section 2.1(a) of this NOFA to patrol public housing projects and to carry out drug-related security functions. Security personnel employed with assistance under this NOFA may respond to incidents that are not drug-related if they become aware of these incidents in the course of carrying out their drug-related duties.

It should be noted that any security personnel employed under this provision, or any investigators employed under section 2.1(d), are required as a condition of employment to meet all relevant local, State or tribal training, licensing, or other similar, requirements.

2. Additional security and protective services

Grant funds may be used to reimburse local law enforcement agencies for the cost of providing additional security and protective services for public housing projects under this NOFA. The Department construes "additional" to mean that Federal grant funds may not be used to supplant existing funding levels for security services to a project. Consequently, the security and protective services under this provision must be either:

(i) A service that no local law enforcement agency (or agencies) provided for public housing projects administered by the grantee immediately before the publication of this Notice of Fund Availability; or

(ii) A quantifiable increase in the level of an ongoing service above that which the local law enforcement agency (or agencies) provided for public housing projects administered by the grantee immediately before the publication of this Notice of Fund Availability.

An example of a service that might be encompassed under this provision is the reimbursement of local law enforcement agencies for extra patrols of a project.

Services to be provided with grant funds should be over and above those for which the local government is already contractually obligated under its Cooperation Agreement with the PHA. This requirement stems from the locality's obligation under the Cooperation Agreement to furnish to the PHA public services and facilities that are comparable to those provided at no cost or at a comparable cost to the general community. The execution of this Cooperation Agreement between the governing body and the PHA constitutes a condition for initial approval for project development and the Federal assistance commitments under the Annual Contributions Contract. (*See* 24 CFR 941.201(c) and the definition of "Cooperation Agreement" under 24 CFR 941.103.)

Consequently, applications for grants under this NOFA must address the issue of whether the local governing body is meeting its obligations under the Cooperation Agreement, particularly as to law enforcement. While due consideration will be given to special circumstances, the Department will assess this factor in determining whether a locality supports the PHA's anti-drug related crime efforts. (See section 3.6(b)(4)).

3. Physical improvements designed to enhance security

The Act authorizes the use of grant funds for physical improvements specifically designed to enhance security in public housing projects. These improvements might include (but are not limited to) the installation of lighting systems, bolts, or locks inside, or on the grounds of, selected projects, or the reconfiguration of common areas to discouarge drug-related crime. Such improvements may not involve the demolition of any public housing units. A PHA may not use grant funds under this NOFA for any physical improvements that would result in the displacement of persons.

It should be noted that because physical improvements for public housing projects are eligible under special purpose modernization and comprehensive modernization, the Department does not expect this program to be a primary vehicle for physical improvements.

Note also that under section 12 of the United States Housing Act of 1937, the employment of certain workers in connection with physical improvements relating to the development of a public housing project, or the employment of certain workers in connection with carrying out non-routine maintenance in a project, requires the PHA to pay certain prevailing wage rates. Section 4.3(a) of the NOFA should be consulted for further guidance on these requirements.

4. Employment of investigators

A PHA may employ individuals to investigate drug-related crime on or about the real property comprising the public housing project and to provide evidence relating to such crimes in any administrative or judicial proceedings. As discussed earlier, any investigators employed under section 2.1(d) of this NOFA are required as a condition of employment to meet any local, State or tribal licensing, training, or other similar, requirements.

5. Public housing tenant patrols

A PHA may use grant funds to provide training, communications equipment, and other related equipment (including uniforms), for use by voluntary public housing tenant patrols acting in cooperation with officials of local law enforcement agencies.

PHAs are advised to obtain liability insurance relating to the tenant patrols organized under this section. Although the cost of such insurance is not an eligible expense under this program, it may be paid for out of a PHA's or IHA's operating subsidies.

6. Innovative programs to reduce the use of drugs

Section 5124(6) of the Act provides for the use of grant funds for "innovative programs" to reduce the use of drugs in and around public housing projects. The Department will construe the term "innovative" to mean that the program uses a new or creative approach to accomplish this statutory objective. A PHA, RMC or RC may use grant funds under this section to develop and operate, or to contract for services to provide, innovative drug education, intervention, referral, and outreach efforts. Grant funds may also be used for innovative strategies to prevent drug-related crime, including recreational, vocational, educational and other constructive alternatives for youth and families.

7. Resident Management Corporations and Resident Councils

Grant funds may be provided by a grantee to RMCs and RCs to develop security and drug abuse prevention programs involving site residents. These programs may include (but are not limited to) the development of law enforcement strategies, drug education and treatment, counseling, referral, leadership training, security patrols, and outreach efforts.

IHAs that seek funding for this category of eligible activities must have in place an RMC or RC that meets the requirements specified at section 1.3 (see definitions of "Resident Management Corporation" and "Resident Council"). An RMC or RC established under this provision is only recognizable by HUD for purposes of the Public Housing Drug Elimination program.

III. Requirement of a Plan

As a condition of funding, section 5125(a) of the Act requires PHAs and IHAs to submit a grant application to HUD that includes a plan addressing the problem of drug-related crime on the premises of projects proposed for assistance. (See section 3.3.)

While this plan is not intended to be an exhaustive document, it must address each of the following elements: (1) An assessment of the nature and extent of the problem of drug-related crime, and the problems associated with drug-related crime; (2) the current activities being undertaken by the PHA or IHA, the State, tribal or local government, and RMCs and RCs or other organized groups of project residents to address the drug-related crime problem; and (3) a realistic strategy for responding to the problem of drug-related crime.

It should be noted that while the Act refers to "drug-related crime" under the plan provision at section 5125(a), and simply to "crime" under selection criteria at section 5125(b) (1), (2) and (4), the Department believes that Congress intended to limit the scope of the program to drug-related crime. As a result, the program generally reflects this interpretation.

One exception is that the plan asks for an assessment not only of the problem of drug-related crime, but also of the problems associated with drug-related crime. Such "associated" problems might include homicides, muggings, burglaries, and incidents of vandalism resulting from drug-related crime in the projects. The Department believes that this information is vital to obtain an accurate assessment of the drug-related crime problem in the projects proposed for assistance under this program.

IV. Rating Factors

To qualify for a grant, PHAs and IHAs must submit an application that meets the requirements of section 3.5 (including the plan under section 3.3). Applications will be evaluated on the basis of the selective rating criteria at section 3.6(b). These criteria include: (1) The extent of the drug-related crime problem in the applicant's targeted projects; (2) the quality of the plan under section 3.3; (3) the applicant's capability to carry out its plan; and (4) the extent to which the local government and local community support the applicant's anti-drug-related crime activities.

With respect to the third rating criterion, HUD will determine an applicant's capability to carry out its plan on the basis of several factors, including its administrative capability to manage its projects. Administrative capability will be determined in accordance with the requirements of the Annual Contributions Contract executed between HUD and the PHA or IHA, and the relevant program regulations (see 24 CFR parts 905 and 941).

The second rating criterion assesses the quality of the applicant's plan based upon the extent to which the information provided by the applicant is accurate and complete, and the plan strategy is realistic and attainable. In addition, the Department provides additional points under this criterion (see section 3.6(b)(2)(B)) based upon the extent of RMC or RC involvement in the development of the grant application, and the extent to which an RMC or RC will assume substantial management responsibilities under the PHA's plan. If neither an RMC or RC exists, the Department will assess instead the extent to which an organized group of project residents will share with the applicant in the development of the grant application and in the management or operation of the program.

Applicants will be evaluated on the four rating criteria of section 3.6(b), with each rating factor assigned up to a maximum of 25 points. An applicant may obtain up to an additional 15 points under section 3.6(b)(2)(B) based upon the extent of RMC, RC or other organized tenant participation as described above. Applicants will then be ranked based upon their total selective rating score, and grants will be awarded to the highest-ranked applicants.

V. Encouragement of Tenant Participation

While this program is intended to provide grants to PHAs and IHAs, the Department strongly encourages the participation of project residents, and especially of RMCs and RCs, in the effort to combat drug-related crime. Specifically, section 3.6(b)(2)(B) provides maximum rating points to an applicant that establishes that its grant application, including its plan, was prepared in cooperation with its RMC or RC, and that an RMC or RC will have substantial program management responsibilities under the PHA's plan. If neither an RMC or RC exists, HUD will assess instead the extent to which an organized group of project residents will share with the PHA or IHA in the development of the grant application and in the management or operation of the program.

Tenant participation is especially critical in implementing certain aspects of the program, including implementation of the voluntary tenant patrols under section 2.1(e), and the development by RMCs or RCs of the security and drug abuse prevention programs involving site residents under section 2.1(g).

VI. NOFA Provisions

As discussed above, this NOFA largely duplicates the requirements of the proposed rule published on June 21, 1989. However, the NOFA does contain a number of provisions that are different from the proposed rule requirements. The public is invited to submit

comments on these provisions, which include:

1. In the proposed rule, HUD indicated that maximum rating points would be awarded in the grant selection process to a PHA that demonstrates that its grant application, including its plan, was prepared in cooperation with its RMC or RC, and that an RMC or RC would have substantial program management responsibilities under the plan. HUD indicated that the RMC/RC preference would not be applied to IHA applicants since IHAs are not covered by the Department's tenant participation regulations (24 CFR part 964) and typically do not have RMCs or RCs. As a result, the proposed rule would have established a dual rating process, with PHAs evaluated and ranked in one category and IHA applicants separately evaluated and ranked.

Under a separate provision of the proposed rule, HUD would have had the discretion to ensure an equitable distribution of grant funds among the top-rated PHA and IHA applicants.

The proposed grant selection process is revised in this NOFA to provide that if an RMC or RC does not exist, the Department will nevertheless permit an applicant to obtain up to the maximum preference points. In such instances, the actual number of points awarded will depend upon the extent to which an organized group of project residents will share with the PHA or IHA in the development of the grant application and in the management or operation of the program. (See sections 3.5(a)(11)(b) and 3.6(b)(2)(B) of this NOFA.)

Because this expanded language on tenant participation can be satisfied by either a PHA or an IHA, the Department is eliminating both the proposed rule's dual rating system, and the provision that would have allowed HUD to equitably distribute grant funds among the top-ranked PHA and IHA applicants. Instead, PHAs and IHAs will be rated on the same four criteria, including tenant participation, with grants being awarded to the top-rated applicants.

In addition, this NOFA eliminates the proposed provision that would have provided for the equitable geographical distribution of grant funds between urban and rural areas, and between housing agencies of varying sizes. Instead, the Department will make its grant awards solely on the basis of the statutory selection criteria. (See section 3.6(a) of this NOFA for a discussion of the revised rating process.)

2. In the proposed rule, HUD provided definitions from 24 CFR part 964 for the terms, "resident management corporation" and "resident council". These definitions set out the requirements for establishing RMCs and RCs in public housing projects. However, because part 964 does not cover IHAs, the Department also included under these definitions an abbreviated set of requirements for RMCs and RCs serving Indian housing projects. For pruposes of consistency and tenant accountability, this NOFA eliminates the modified requirements for Indian RMCs and RCs, and applies instead the uniform part 964 definitions. (See section 1.3.)

3. This NOFA establishes a maximum grant amount of $100,000 for PHAs and IHAs with 500 units or less. For PHAs and IHAs with more than 500 units, the maximum grant amount is $250,000. (*See* section 2.2.)

4. Under section II(B)(3) of the preamble to this NOFA, the Department notes that since physical improvements are eligible under special purpose modernization as well as comprehensive modernization, this program is not expected to be a primary vehicle for physical improvements.

5. HUD has made a number of changes to the plan requirements under section 3.3. Because of the revised language on tenant participation, the Department is requesting information not only on RMC and RC involvement, but also on the involvement of organized groups of project residents. (*See* sections 3.3(b)(2) and 3.3(b)(3)(vi).)

HUD is also requesting information concerning the financial resources that the applicant expects to be available from other drug elimination grant programs to carry out its plan strategy (section 3.3(b)(3)(ii)), and the resources that will be available to continue the anti-drug-related crime effort at the conclusion of the grant term (section 3.3(b)(3)(v)).

Under the proposed rule, applicants were asked to provide their plans an assessment of the nature and extent of the problem of drug-related crime, and the problems associated with drug-related crime in the projects they administer. In this NOFA (at section 3.3(b)(1)), HUD is requiring as part of that assessment that applicants also provide a description of other baseline conditions existing in the projects proposed for assistance, measures that the applicant believes to be important in evaluating the success of the plan, a discussion of the types of information the PHA will need to measure the plan's success, and the method by which the applicant will gather and analyze this information. The Department believes this information to be vital in assessing the program's impact on the problem of drug-related crime in projects selected for funding.

6. The NOFA requires any security personnel or investigators employed under sections 2.1 (a) and (d), as a condition of employment, to meet all relevant local, State or tribal training, licensing, or other similar requirements.

7. Some of the selective rating criteria contained in the proposed rule have been modified in this NOFA. In assessing the quality of an applicant's plan under section 3.6(b)(2)(A), HUD will consider the resources that may reasonably be expected to be available to address the drug-related crime problem at the end of the grant term.

Under section 3.6(b)(3), the Department is clarifying that, in assessing an applicant's capability to carry out its plan, HUD will consider as one of the factors the applicant's ability to obtain local and other non-HUD funding or other commitments of support for the plan. The proposed rule had not specified the nature of the funding sources under this provision.

HUD is also including as an additional factor in assessing an applicant's capability to carry out its plan the recommendations of the local HUD field office (section 3.6(b)(3)).

8. Under section 3.5(a)(11)(a), HUD is making a technical correction to provide that an RMC or RC submit a certification that the grant application (including the plan under section 3.3) was jointly prepared with the applicant. The proposed rule inadvertently required the RMC or RC to certify only that the plan was jointly prepared with the applicant.

9. A new provision has been added at section 3.5(a)(13) requiring grantees to certify that they will collect, maintain and provide to HUD such additional data as may be required for the Department to assess the effectiveness of this grant program. Details on the nature of this assessment will be provided to grantees at a later date.

10. Section 3.1 of the NOFA provides that grant applications should be submitted to HUD by November 2, 1989. The Department is also requiring that a copy of the application materials be forwarded to the HUD field office with jurisdiction over the PHA or IHA, Attention: Director, Assisted Housing Branch. In assessing the applicant's capability to carry out its plan, HUD will give particular consideration under section 3.6(b)(3) to the recommendations of the local HUD field office.

11. The NOFA provides that the maximum grant term generally should not exceed 24 months. (Section 4.1(c).)

12. A new provision is added at section 4.1 relating to subgrants. That section provides that the only tenant

organizations that may receive funds as subgrantees under this program are RMCs or RCs. Other organized groups of project residents may share with the PHA or IHA in the management or operation of the program, but may not receive funds as subgrantees.

In addition, section 4.1(b) provides that subgrants or cash contributions to RMCs or RCs may be made only under a written agreement executed between the PHA and the RMC or RC. The agreement must include a project budget that is acceptable to the PHA, and that is otherwise consistent with the PHA's grant application budget. In addition, the agreement must obligate the RMC or RC to permit the PHA to inspect and audit the RMC or RC financial records related to the agreement, and to account to the PHA for the use of grants funds, and on the implementation of project activities.

The PHA is responsible for monitoring, and for providing technical assistance to, any subgrantee to ensure compliance with HUD program requirements, including OMB Circular Nos. A–110 and A–122 which apply to the acceptance and use of assistance by private nonprofit organizations. The PHA must also ensure that a subgrantee is covered under the PHA's liability, or other equivalent, insurance.

13. The NOFA includes a provision at section 2.1(e) advising PHAs and IHAs to obtain liability insurance relating to any voluntary tenant patrols established under this program. While the cost of such insurance is not an eligible expense under this grant program, it may be paid for out of a PHA's or IHA's operating subsidies.

14. Section 1.1 is revised to clarify the purposes of this drug program, which include: (1) The elimination of drug-related crime on or about the real property comprising the public housing project; (2) the encouragement of PHAs and IHAs to develop a plan for addressing the problem of drug-related crime on the premises of the projects proposed for funding under this NOFA; and (3) the provision of Federal grants to help PHAs and IHAs to carry out their plans.

15. The Department is revising in this NOFA the descriptive list of innovative programs at section 2.1(f) by: (1) Removing law enforcement activities, since these are already provided for under several other provisions of the NOFA; and (2) changing the proposed rule's reference to drug treatment and counseling to drug intervention. In addition, HUD is expanding the focus of the innovative programs under this section to include not only youth, but also families.

16. Section 4.1(c) includes a provision requiring grantees to comply with OMB Circular A–87, relating to the acceptance and use of assistance under this NOFA. In addition, this section requires grantees to comply with any reporting, fiscal and audit requirements prescribed by HUD.

17. Section 4.2 includes a requirement that grantees provide HUD with a final post-grant report, in addition to semi-annual progress reports. Grantees are required to provide in their semi-annual reports information concerning their efforts to encourage tenant participation, as well as an evaluation of their progress in eliminating drug-related crime in relation to their plans.

Program Guidelines

1. General

Section 1.1 Purpose

This NOFA provides funding for the Public Housing Drug Elimination program. The purposes of the program are to: (1) Eliminate drug-related crime on or about the real property comprising the public housing project; (2) encourage public housing agencies (PHAs) and Indian Housing Authorities (IHAs) to develop a plan for addressing the problem of drug-related crime on the premises of the public and Indian housing projects proposed for funding under this NOFA; and (3) make available Federal grants to help PHAs and IHAs carry out their plans.

Section 1.2 Encouragement of Tenant Participation

The elimination of drug-related crime in public housing projects requires the active involvement and commitment of public housing residents and their organizations. To increase the ability of PHAs to combat drug-related criminal activity in their projects, Resident Councils (RCs) and Resident Management Corporations (RMCs) will be permitted to undertake management functions specified in this part, notwithstanding the otherwise applicable requirements of 24 CFR part 964. The Department encourages PHAs and IHAs to make Resident Management Corporations (RMCs) and Resident Councils (RCs) full partners in this effort. If neither an RMC or RC exists, the Department encourages PHAs and IHAs to share with organized groups of project residents the development of the grant application and the management or operation of the program. Areas in which this partnership can be particularly significant include (but are not limited to) the planning and execution of strategies and activities to eliminate drug-related crime in public housing projects, the institution of voluntary tenant patrols (section 2.1(e)), and the development by RMCs and RCs of security and drug-abuse prevention programs involving site residents (section 2.1(g)).

To emphasize the importance that the Department attaches to full tenant participation in activities assisted under this part, section 3.4 requires applicants to: (i) Give RMCs and RCs, as well as the resident of the targeted projects, a reasonable opportunity to comment on the application; and (ii) give serious consideration to these comments in developing the application.

In addition, points will be awarded to applicants under section 3.6(b)(2)(B) based upon the extent of RMC or RC involvement in the development of the grant application, and the extent to which an RMC or RC will have substantial program management responsibilities under the applicant's plan. (If neither an RMC or RC exists, this criterion will assess instead the extent to which the applicant will share with an organized group of project residents the development of the grant application and the management or operation of the program.)

Section 1.3 Definitions

Applicant means a PHA or IHA that applies for a grant under this NOFA.

Chief executive officer of a State or a unit of general local government means the elected official or the legally designated official, or his or her designee, who has the primary responsibility for the conduct of the entity's governmental affairs. Examples of the chief executive officer of a unit of general local government are: The elected mayor of a municipality; the elected county executive of a county; the chairperson of a county commission

or board in a county that has no elected county executive; or the official designated pursuant to law by the governing body of the unit of general local government. The chief executive officer of an Indian tribe is the tribal governing official.

Controlled substance means a drug or other substance or immediate precursor included in schedule I, II, III, IV, or V of section 102 of the Controlled Substances Act (21 U.S.C. 802). The term does not include distilled spirits, wine, malt beverages or tobacco as those terms are defined in Subtitle E of the Internal Revenue Code of 1954.

Drug-related crime means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance.

Governmental jurisdiction means the unit of general local government, State, or Indian tribe in which the public housing project administered by the applicant is located.

Grantee means an applicant that executes a grant agreement with HUD under this NOFA.

HUD or *Department* means the United States Department of Housing and Urban Development.

Indian means any person recognized as being an Indian or Alaska Native by an Indian tribe, the Federal Government, or any State.

Indian Housing Authority (IHA) means any entity that:

(a) Is authorized to engage in or assist in the development or operation of lower income housing for Indians; and

(b) Is established either by exercise of the power of self-government of an Indian tribe independent of State law, or by operation of State law providing specifically for housing authorities for Indians, including regional housing authorities in the State of Alaska.

Indian tribe means any tribe, band, pueblo, group, community, or nation of Indians or Alaska Natives.

Local law enforcement agency means a police department, sheriff's office, or other entity of the governmental jurisdiction that has law enforcement responsibilities for the community at large, including the public housing projects administered by the applicant. More than one law enforcement agency may have these responsibilities for the jurisdiction that includes the applicant's projects.

Public housing agency (PHA) means any State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development or operation of housing for lower income families.

Public housing project or *project* means lower income housing and all necessary appurtenances developed, acquired, or assisted by a PHA or an IHA under the United States Housing Act of 1937 (other than under section 8). A project encompasses those buildings identified in the Annual Contributions Contract (ACC) that is executed between HUD and the PHA or IHA.

Resident Council (RC) means: An incorporated or unincorporated nonprofit organization or association that meets each of the following requirements:

(1) It must be representative of the tenants it purports to represent.

(2) It may represent tenants in more than one project or in all of the projects of a PHA or IHA, but it must fairly represent tenants from each project that it represents.

(3) It must adopt written procedures providing for the election of specific officers on a regular basis (but at least once every three years).

(4) It must have a democratically elected governing board. The voting membership of the board must consist of tenants of the project or projects that the tenant organization or resident council represents.

Resident Management Corporation (RMC) means the entity that proposes to enter into, or that enters into, a management contract with a PHA under 24 CFR part 964, or with an IHA in accordance with the requirements of this NOFA. The corporation must have each of the following characteristics:

(1) It must be a nonprofit organization that is incorporated under the laws of the State or Indian tribe in which it is located.

(2) It may be established by more than one tenant organization or resident council, so long as each such organization or council: (i) Approves the establishment of the corporation and (ii) has representation on the Board of Directors of the corporation.

(3) It must have an elected Board of Directors.

(4) Its by-laws must require the Board of Directors to include representatives of each tenant organization or resident council involved in establishing the corporation.

(5) Its voting members must be tenants of the project or projects it manages.

(6) It must be approved by the resident council. If there is no council, a majority of the households of the project must approve the establishment of such an organization to determine the feasibility of establishing a corporation to manage the project.

(7) It may serve as both the resident management corporation and the resident council, so long as the corporation meets the requirements of part 964 for a resident council. (In the case of a resident management corporation for an Indian Housing Authority, it may serve as both the RMC and the RC so long as the corporation meets the requirements of this NOFA for a resident council.)

State means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

Unit of general local government means any city, county, town, township, parish, village, or other general purpose political subdivision of a State.

2. Use of Grant Amounts

Section 2.1 Eligible Activities

Activities assisted under this NOFA must be directed toward the elimination of drug-related crime in public housing projects, and may include one or more of the following activities. Incidental costs related to carrying out these activities are also eligible program costs, provided the PHA or IHA has a cost allocation plan.

(a) *Security personnel.* Employment of security personnel in public housing projects. Security personnel employed under this section are required as a condition of employment to meet all relevant local, State or tribal training, licensing, or other similar requirements.

(b) *Additional security and protective services.* Reimbursement of local law enforcement agencies for the cost of providing additional security and protective services for public housing projects. The security and protective services provided must be either:

(1) A service that no local law enforcement agency (or agencies) provided for public housing projects administered by the grantee immediately before the publication of this NOFA; or

(2) A quantifiable increase in the level of an ongoing service above that which the local law enforcement agency (or agencies) provided for public housing projects administered by the grantee immediately before the publication of this NOFA.

(c) *Physical improvements.* Physical improvements in public housing projects that are specifically designed to enhance security. These improvements may include (but are not limited to) the installation of lighting systems, bolts, or locks, or the reconfiguration of common

areas to discourage drug-related crime. Such improvements may not involve the demolition of any units in a project. A PHA may not use grant funds under this NOFA for any physical improvements that would result in the displacement of persons.

(d) *Employment of investigators.* (1) Employment of one or more individuals to:

(A) Investigate drug-related crime on or about the real property comprising any public housing project; and

(B) Provide evidence relating to any such crime in any administrative or judicial proceedings.

(2) Investigators employed under this section are required as a condition of employment to meet all relevant local, State, or tribal training, licensing, or other similar requirements.

(e) *Tenant patrols.* The provision of training, communications equipment, and other related equipment (including uniforms), for use by voluntary public housing tenant patrols acting in cooperation with officials of local law enforcement agencies.

PHAs are advised to obtain liability insurance relating to any tenant patrols established under this section. Although this cost is not an eligible expense under this program, it may be paid for out of a PHA's or IHA's operating subsidies.

(f) *Innovative programs.* Innovative programs to reduce the use of drugs in and around public housing projects. A program will be considered "innovative" under this paragraph if it uses a new or creative approach to reducing the use of drugs in and around public housing projects. Activities that may be funded under this paragraph include (but are not limited to) innovative drug education, intervention and referral, outreach efforts, and programs to prevent drug-related crime involving recreational, vocational, and educational activities and other constructive alternatives for youth and families.

(g) *RMCs and RCs.* Funding of RMCs and RCs to develop security and drug abuse prevention programs involving site residents. Such programs may include (but are not limited to) law enforcement activities, drug education, drug treatment, counseling, referral, and outreach efforts.

Section 2.2 Maximum Grant Amount

The maximum grant amount under this NOFA is $100,000 for PHAs or IHAs with 500 units or less. For PHAs or IHAs with more than 500 units, the maximum grant amount is $250,000. The Department has discretion to determine the amount of any grant award.

3. Application and Selection

Section 3.1 Submission

PHAs and IHAs interested in receiving a grant under this NOFA should submit an original plus one copy of the application materials listed at section 3.5 of this NOFA to Howard Mortman, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4110, Washington, DC 20410. The submission must be received in room 4110 by 5:15 p.m., Eastern Standard Time, on November 2, 1989; or postmarked no later than November 2, 1989. Applications received or postmarked after this date, or applications that fail to address all of the requirements set out below, will be disqualified from receiving a grant award.

In addition, a copy of the application materials should be forwarded simultaneously to the HUD Field Office with jurisdiction over the PHA or IHA.

Section 3.2 Late Applications, Modification and Withdrawal of Applications

(a) Any application received at the HUD Washington, DC, office designated in this NOFA after the exact date and time specified for receipt will not be considered unless it is received before award is made and—

(1) It was mailed on or before 12:00 midnight of the application deadline date. In such cases, applicants must use registered, certified, or U.S. Postal Service Express Mail Next Day Service—Post Office to Addressee, to substantiate the date of mailing. The only evidence to establish the date of mailing is the label or postmark on the wrapper, or on the original receipt from the U.S. Postal Service. (The term "postmark" means a printed, stamped or otherwise placed impression that is readily identifiable without further action as having been supplied and affixed by the U.S. Postal Service.) If neither shows a legible date, and the application is received after the date specified, the application shall be deemed to have been mailed late. Private metered postmarks (such as those from Federal Express or other courier companies) shall not be acceptable proof of the date of mailing; or

(2) It was the only application received.

(b) Hand-delivered applications must be received in the designated office by the application deadline date and time (documentation is the notation on the application wrapper of the time and date received by the designated office).

(c) Any modification of an application is subject to the same conditions as in paragraphs (a) and (b).

(d) Notwithstanding the above, a late modification of an application that already has been selected for funding and which makes its terms more favorable to HUD will be considered at any time it is received and may be accepted.

(e) Applications may be withdrawn by written notice or telegram (including mailgram) received at any time prior to award. Applications may be withdrawn in person by an applicant or by the applicant's authorized representative, provided his or her identity is made known and the representative signs a receipt for the application prior to award.

Section 3.3 Plan

(a) *Requirement of plan.* Each application for a grant under this NOFA must include a plan for addressing the problem of drug-related crime on the premises of the public housing projects proposed for funding.

(b) *Plan content.* The plan referred to in paragraph (a) of this section must contain the following elements:

(1) *Assessment of problem.* (i) The best available objective data on the nature and extent of the problem of drug-related crime, and the problems associated with drug-related crime, in the projects administered by the applicant that are proposed for funding under this NOFA. These data should generally be derived from crime statistics from Federal, State, tribal or local law enforcement agencies. If such data are not available at the project or precinct level, the applicant may use other reliable, objective data including (but not limited to) those derived from its records or those of RMCs or RCs. The data should be reported both in real numbers, and as a percentage of the tenants in each project (*e.g.*, 20 arrests for distribution of heroin in a project with 100 residents reflects a 20% occurrence rate). The data should cover the past one-year period and, to the extent feasible, should indicate whether these data reflect a percentage increase or decrease in drug-related crime over the past several years. In addition, the applicant should provide a description of other baseline conditions existing in projects proposed for funding under this NOFA;

(ii) Measures that the applicant believes to be important in evaluating the success of the plan, a discussion of the types of information the PHA will need to measure the plan's success, and

the method by which the applicant will gather and analyze this information.

(2) *Current activities to address problem.* A narrative discussion of the activities currently being undertaken, and a listing of the resources being provided, by the applicant, governmental entities, RMCs and RCs, or other organized groups of project residents, to address the problem of drug-related crime in the projects proposed for assistance under this NOFA.

(3) *Strategy for addressing problem.* A narrative discussion of the applicant's strategy for addressing the problem of drug-related crime in each of the projects proposed for assistance under this NOFA. The discussion must offer a realistic approach for dealing with the applicant's drug-related crime problem, taking into account the nature and extent of the problem, and the local and other non-HUD funding and other resources that reasonably may be expected to be available to combat the problem. At a minimum, the discussion must include the following information for each of the projects proposed for assistance:

(i) A description of each component of the applicant's strategy, including activities to be undertaken with funding under this NOFA, and how these components interrelate. The applicant should indicate how such activities will complement, and be coordinated with, current services.

(ii) The anticipated cost of each component of the strategy, and the financial and other resources (including funding under this NOFA, and from other drug-elimination grant programs) that may reasonably be expected to be available to carry out each component;

(iii) A timeframe for beginning and completing each component of the strategy;

(iv) An estimate of the results that each component of the strategy, as well as the overall strategy, is expected to achieve for each year that the strategy is in effect and upon its completion.

(v) The resources that the PHA or IHA may reasonably expect to be available at the end of the grant term to continue the anti-drug related crime effort;

(vi) The role of RMCs, RCs (or, if neither exists, the role of any organized group of project tenants that will share with the applicant in the development of the grant application and in the management or operation of the program) and any other entities (*e.g.*, local and State governments and community organizations) in planning and carrying out the strategy. The applicant should also indicate the name of the RMC or RC that will develop any security and drug abuse prevention programs involving site residents under section 2.1(g);

(vii) If grant amounts under this NOFA are to be used for physical improvements under section 2.1(c), a statement as to how these improvements will be coordinated with the applicant's modernization program under 24 CFR part 968;

(viii) If grant amounts under this NOFA are to be used for innovative programs to reduce the use of drugs in and around public housing projects under section 2.1(f), a statement by the applicant as to the nature of the program and how the program represents a new or creative approach to achieving this purpose.

Section 3.4 Tenant Comments on Grant Application

The applicant must provide the residents of projects proposed for funding under this NOFA, as well as any RMCs or RCs that represent those tenants (including any PHA-wide RMC or RC), with a reasonable opportunity to comment on its application under section 3.5 (including its plan under section 3.3). The applicant must give these comments careful consideration in developing its plan and application.

Section 3.5 Application Requirements

(a) *Contents.* To qualify for a grant under this NOFA, an applicant must submit an application to HUD that contains the following:

(1) Standard Grant Application Form SF–424 (ncluding SF–424A);

(2) The plan referred to in section 3.3;

(3) Copies of any tenant comments submitted to the PHA under section 3.4;

(4) A certification by the applicant that:

(i) Grant amounts under this NOFA will not substitute for activities currently being undertaken to address the problem of drug-related crime in the project(s) proposed for assistance; and

(ii) Any additional security and protective services to be assisted under section 2.1(b) meet the requirements of that section;

(5) If grant amounts under this NOFA are to be used to establish voluntary tenant patrols under section 2.1(e), a certification by the applicant that the local law enforcement agency and the tenant patrols have entered, or will enter into, such agreements as are needed to ensure cooperation;

(6) A certification from the chief executive officer (or an official designated by the chief executive officer) of the Indian tribe, unit of general local government (or, for areas outside a unit of general local government, the State) in which the applicant is located that, to the best of the officer's knowledge:

(i) The applicant's assessments of the drug-related crime problem, and the problems associated with drug-related crime, in the projects proposed for assistance under this NOFA (as required by section 3.3(b)(1)), are based on the best available objective data, and are complete and accurate;

(ii) The applicant's descriptions of the current activities being undertaken to address the problem of drug-related crime in its projects (as required by section 3.3(b)(2)) are complete and accurate; and

(iii) The information provided by the applicant regarding its strategy under section 3.3(b)(3) is accurate and complete, and the strategy is realistic and attainable, given the nature and extent of the applicant's drug-related crime problem, the resources that the applicant expects to be available to address the problem, and the applicant's proposed timeframe for accomplishing this strategy;

(7) A certification from the chief executive officer (or an official designated by the CEO) that: (A) Grant amounts under this NOFA will not substitute for activities currently being undertaken by the jurisdiction to address the problem of drug-related crime in projects proposed for assistance; and (B) any additional security and protective services to be assisted under section 2.1(b) meet the requirements of that section.

(8) A certification from the chief executive officer (or an official designated by the CEO) of the relevant governmental jurisdiction that it will take the actions described in the applicant's strategy under section 3.3(b)(3);

(9) A statement from the chief executive officer (or an official designated by the CEO) as to whether the relevant governmental jurisdiction is meeting its obligations under the Cooperation Agreement with the PHA, particularly with regard to law enforcement. If the jurisdiction is not meeting its obligations under this Agreement, it should identify any special circumstances relating to its failure to do so.

(10) If applicable, a certification from the chief of the local law enforcement agency that the agency has, or will, enter into such agreements as are needed to ensure cooperation with the voluntary tenant patrol under section 2.1(e);

(11) (a) If applicable, a certification by the RMC or RC for a project proposed for funding under this NOFA that the

grant application was jointly prepared with the applicant, and a description of the activities it will implement under this NOFA.

(b) If neither an RMC or RC exists (and if otherwise applicable), a certification by the PHA or IHA that the grant application was jointly prepared with an organized group of project residents, and that the group will share with the applicant in the management or operation of the program. The applicant should also include a description of the tenant organization, and the activities that it will undertake under this NOFA;

(12) A certification that the grantee will maintain a drug-free workplace in accordance with the requirements of the Drug-Free Workplace Act of 1988 (54 FR 4946, published January 31, 1989, effective March 18, 1989).

(13) A certification that the grantee will collect, maintain and provide to HUD such additional data as may be required to evaluate the effectiveness of the use of the grant funds.

Section 3.6 Application Selection

(a) *Ranking.* (1) Each application submitted by a PHA or IHA under this NOFA that meets the application requirements under section 3.5(a) will be evaluated in accordance with the selective rating criteria under paragraph (b) of this section. Applications will be evaluated on the basis of the four rating criteria under paragraph (b), with each rating criterion assigned up to a maximum of 25 points. In addition, an applicant may obtain up to an additional 15 points under section 3.6(b)(2)(B) based upon the extent of RMC or RC involvement in the development of the grant application (including the plan under section 3.3), and the extent to which an RMC or RC will assume substantial management responsibilities under the applicant's plan. If neither an RMC or RC exists, HUD will assess instead the extent to which an organized group of project residents will share with the PHA or IHA in the development of the grant application and in the management or operation of the program. These applications will then be ranked based upon their total rating score. Grant awards will be made to the highest-ranked applicants.

(2) Failure to address a required rating criterion under paragraph (b) of this section will result in an applicant's receiving no points for that element.

(b) *Selective rating criteria.* The selective rating criteria are:

(1) The extent of the problem of drug-related crime in the applicant's projects. (Maximum points: 25.)

(2)(A) The quality of the plan under section 3.3, based upon the extent to which the information provided by the applicant under that section is accurate and complete; and the extent to which the applicant's strategy under that section is realistic and attainable, given (among other things) the nature and extent of the applicant's drug-related crime problem, and the funding and other resources that may reasonably be expected to be available (both during and at the end of the grant term) to address the problem. (Maximum points: 25.)

(B) Applications will also be evaluated on the extent of RMC or RC involvement in the development of the grant application, and the extent to which an RMC or RC will assume substantial program management responsibilities under the PHA's plan. If neither an RMC or RC exists, HUD will assess instead the extent to which an organized group of project residents will share with the PHA or IHA in the development of the grant application and in the management or operation of the program. (Maximum points: 15.)

(3) The applicant's capability to carry out its plan under section 3.3, as reflected by its ability to obtain local and other non-HUD funding or other commitments of support for each aspect of the plan; its administrative capability to manage its projects; and its degree of commitment to addressing the problem of drug-related crime. In making its assessment under this provision, HUD will give particular consideration to the recommendations of the local HUD field office. (Maximum points: 25.)

(4) The extent to which the governmental jurisdiction, local law enforcement agencies, and the local community support the applicant's activities to eliminate drug-related crime. HUD may consider as evidence of such support whether the relevant governmental jurisdiction has met its obligations under the Cooperation Agreement with the applicant. (Maximum points: 25.)

(c) *Environmental review.* Grants under this NOFA are categorically excluded from review under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321). However, before making an award of grant funds under this NOFA, HUD will perform an environmental review to the extent required under the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321), applicable related authorities at 24 CFR 50.4, and HUD's implementing regulations at 24 CFR part 50.

4. Grant Administration

Section 4.1 Grant Administration

(a) *General.* The duty to use grant funds to eliminate drug-related crime in public housing projects in accordance with the requirements of this NOFA will be incorporated in a grant agreement executed by HUD and the grantee. Each grantee is responsible for ensuring that grant funds are administered in accordance with the requirements of this NOFA and applicable laws.

(b) *Subgrants.* A PHA or IHA may undertake directly any of the eligible activities under this NOFA or it may contract with a qualified third party, including Resident Management Corporations (RMCs) and Resident Councils (RCs). Tenant organizations that are neither RMCs or RCs may share with the PHA or IHA in the management or operation of the program, but may not receive funds as subgrantees.

Subgrants or cash contributions to RMCs or RCs may be made only under a written agreement executed between the PHA and the RMC or RC. The agreement must include a project budget that is acceptable to the PHA, and that is otherwise consistent with the PHA's grant application budget. In addition, the agreement must obligate the RMC or RC to permit the PHA to inspect and audit the RMC or RC financial records related to the agreement, and to account to the PHA on the use of grants funds, and on the implementation of project activities.

The PHA shall be responsible for monitoring, and for providing technical assistance to, any subgrantee to ensure compliance with HUD program requirements, including OMB Circular Nos. A–110 and A–122, which apply to the acceptance and use of assistance by private nonprofit organizations. The PHA must also ensure that subgrantees are covered under the PHA's liability, or other equivalent, insurance.

(c) *Applicability of OMB Circulars and HUD fiscal and audit controls.* The policies, guidelines, and requirements of 24 CFR part 85 and OMB Circular A–87 apply to the acceptance and use of assistance by grantees under this NOFA; and OMB Circulars A–110 and A–122 apply to the acceptance and use of assistance by private nonprofit organizations (including RMCs and RCs). In addition, grantees and subgrantees must comply with fiscal and audit controls and reporting requirements prescribed by HUD.

(d) *Grant term and obligation of grant funds.* Grantees are required to use grant amounts under this NOFA according to their approved work plan, which generally shall not exceed 24

months. It is not required that the grantee obligate its funds within a particular fiscal year.

Section 4.2 Periodic Reports

(a) Semi-annual progress reports. Grantess must provide HUD with semi-annual progress reports which evaluate the grantee's progress against its plan. These reports must include (but are not limited to) the following: any change (or lack of change) in crime statistics and an explanation of any difference; activities initiated under the plan (taking into account both assistance under this NOFA and funds from other sources); a discussion of any problems encountered in implementing the plan and how they were addressed; an evaluation of whether the rate of progress meets expectations; a discussion of the grantee's efforts in encouraging tenant participation; a description of any other programs that may have been initiated or expanded as a result of the plan, with an identification of the resources and the number of people involved in the programs and their relation to the plan.

(b) *Post-grant report.* A post-grant evaluation should be submitted to HUD within 90 days upon completion of the plan, using at a minimum the evaluation criteria for the periodic reports.

Section 4.3 Other Federal Requirements

Use of grant funds under this NOFA requires compliance with the following additional Federal requirements:

(a) *Labor standards.* Where grant funds are used to undertake physical improvements to increase security under section 2.1, the following labor standards apply:

(1) The PHA and its contractors and subcontractors must pay the following prevailing wage rates, and must comply with all related rules, regulations and requirements:

(i) For laborers and mechanics employed in the development of the project, the wage rate determined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a *et seq.*) to be prevailing in the locality with respect to such trades;

(ii) For architects, technical engineers, draftsmen and technicians employed in the development of the project, the HUD-determined prevailing wage rate; or

(iii) For laborers and mechanics employed in carrying out non-routine maintenance in the project, the HUD-determined prevailing wage rate. As used in this subsection, nonroutine maintenance means work items that ordinarily would be performed on a regular basis in the course of upkeep of a property, but have become substantial in scope because they have been put off, and that involve expenditures that would otherwise materially distort the level trend of maintenance expenses. Non-routine maintenance may include replacement of equipment and materials rendered unsatisfactory because of normal wear and tear by items of substantially the same kind. Work that constitutes reconstruction, a substantial improvement in the quality or kind of orginal equipment and materials, or remodeling that alters the nature or type of housing units is not nonroutine maintenance.

(2) The employment of laborers and mechanics is subject to the provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333).

(b) *Nondiscrimination and equal opportunity.* The following nondiscrimination and equal opportunity requirements:

(1) The requirements of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3600–20 (Fair Housing Act) and implementing regulations issued at subchapter A of title 24 of the Code of Federal Regulations, as amended by 54 FR 3232 (published January 23, 1989); Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations at 24 CFR part 107; and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR part 1;

(2) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101–07) and implementing regulations at 24 CFR Part 146, and the prohibitions against discrimination against handicapped individuals under section 504 of the Rehabilitiation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8;

(3) The requirements of Executive Order 11246 (Equal Employment Opportunity) and the regulations issued under the Order at 41 CFR chapter 60;

(4) The requirements of section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Employment Opportunities for Lower Income Persons in Connection with Assisted Projects); and

(5) The requirements of Executive Orders 11625, 12432, and 12138. Consistent with HUD's responsibilities under these Orders, recipients must make efforts to encourage the use of minority and women's business enterprises in connection with funded activities.

(c) *Use of debarred, suspended or ineligible contractors.* The provisions of 24 CFR part 24 relating to the employment, engagement of services, awarding of contracts, or funding of any contractors or subcontractors during any period of debarment, suspension, or placement in ineligibility status.

(d) *Flood insurance.* Grants will not be awarded for proposed projects that involve acquisition, construction, reconstruction, repair or improvement of a building or mobile home located in an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless: (i)(A) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with 44 CFR parts 59–79; or (B) less than a year has passed since FEMA notification to the community regarding such hazards; and (ii) flood insurance on the structure is obtained in accordance with section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001).

(e) *Lead-based paint.* The provisions of section 302 of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4821-4846, and implementing regulations at 24 CFR part 965, subpart H (51 FR 27789–27791, August 1, 1986). This section is promulgated pursuant to the authority granted in 24 CFR 35.24(b)(4) and supersedes, with respect to all housing to which it applies, the requirements (not including definitions) prescribed by subpart C of 24 CFR part 35.

(1) *Applicability.* The provisions of section 302 shall apply to all projects constructed or substantially rehabilitated before January 1, 1978, and for which assistance under this NOFA is being used for physical improvements to enhance security under section 2.1(c).

(2) *Definitions.* For purposes of this paragraph (e), the term "applicable surfaces" means all intact and nonintact interior and exterior painted surfaces of a residential structure.

(3) *Exceptions.* The following activities are not covered by this section: (i) Installation of security devices; (ii) other similar types of single-purpose programs that do not involve physical repairs or remodeling of applicable surfaces of residential structures; or (iii) any non-single purpose rehabilitation that does not involve applicable surfaces and that does not exceed $3,000 per unit.

(f) *Conflicts of Interest.* In addition to the conflict of interest requirements in 24 CFR part 85, no person:

(1) Who is an employee, agent, consultant, officer, or elected or appointed official of the grantee, that receives assistance under the program

and who exercises or has exercised any functions or responsibilities with respect to assisted activities; or

(2) Who is in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure, or for one year thereafter.

(g) *Intergovernmental review.* The requirements of Executive Order 12372 and the regulations issued under the order at 24 CFR part 52, to the extent provided by **Federal Register** notice in accordance with 24 CFR 52.3.

(h) *Indian preference.* The provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) apply to IHAs. These provisions require to the greatest extent feasible that preference and opportunities for training and employment be given to Indians and that preference in the award of subcontracts and subgrants be given to Indian Organizations and Indian Owned Economic Enterprises.

Section 4.4 Other Matters

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50 implementing section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the Office of the Rules Docket Clerk, 451 Seventh Street SW., Room 10276, Washington, DC 20410.

The collection of information requirements contained in this NOFA have been approved by the OMB under the Paperwork Reduction Act of 1980 and have been assigned OMB control number 2577–0124. Certain sections of this NOFA have been determined by the Department to contain collection of information requirements. Information on these requirements is provided as follows:

TABULATION OF ANNUAL REPORTING BURDEN, NOTICE OF FUND AVAILABILITY—PUBLIC HOUSING, DRUG ELIMINATION PROGRAM

Description of information collection	Section of NOFA affected	Number of respondents	Number of responses per respondents	Total annual responses	Hours per responses	Total hours
Plan for addressing drug-related crime problem(s) includes assessment, current activities, strategy.	Section 3.3	500	1	500	26	13,000
Request for tenant comments on plan and application	Section 3.4	5,000	1	5,000	1	5,000
Application requirements: SF–424, SF–424A, certification, copies of tenant comments.	Section 3.5	500	1	500	32	16,000
Written agreement, including project budget, PHA inspection of financial records, between, PHA/RMC or RC for subgrants or cash contributions.	Section 4.1	500	1	500	5	2,500
Semi-annual reports on fund expenditures, data tracking drug-related crime.	Section 4.2	100	2	[1] 200	25	5,000
Total burden						41,500

[1] Three-year period.

Family impact. The General Counsel, as the Designated Official for Executive Order 12606, *the Family*, has determined that the provisions of this NOFA have the potential for significant impact on family formation, maintenance and general well-being within the meaning of the Order. The NOFA implements a program that encourages PHAs and IHAs to develop a plan for addressing the problem of drug-related crime, and makes available grants to help PHAs and IHAs to carry out this plan. As such, the program is intended to improve the quality of life of public housing project residents by reducing the incidence of drug-related crime and should have a strong positive effect on family formation, maintenance and general well-being for PHAs and IHAs selected for funding. Further review under the Order is not necessary, however, since the NOFA essentially tracks the authorizing legislation and involves little exercise of HUD discretion.

Federalism impact. The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the provisions of this NOFA have "federalism implications" within the meaning of the Order. The NOFA implements a program that encourages PHAs and IHAs to develop a plan for addressing the problem of drug-related crime, and makes available grants to PHAs and IHAs to help them carry out their plans. As such, the program helps PHAs and IHAs to combat serious drug-related crime problems in their projects, thereby strengthening their role as instrumentalities of the States. Further review under the Order is unnecessary, however, since the NOFA generally tracks the statute and involves little implementing discretion. The NOFA's most significant exercise of discretion involves the establishment of selection preferences based upon the extent of RMC or RC involvement (or, where neither an RMC nor RC exists, the involvement of organized groups of project residents, as specified in this NOFA). The involvement of tenants and their residents organizations should greatly increase the success of the anti-drug-related crime efforts and, therefore, should have positive effects on the PHAs and IHAs.

Authority: Sec. 5127, Public Housing Drug Elimination Act of 1988 (Chapter 2, Subtitle C, Title V, Anti-Drug Abuse Act of 1988 (Pub. L. 100–690, approved November 18, 1988); section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: September 8, 1989.

Thomas Sherman,

Acting General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 89–21908 Filed 9–15–89; 8:45 am]

BILLING CODE 4210–28–M

Reader Aids

Federal Register

Vol. 54, No. 179

Monday, September 18, 1989

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

36275-36750.....1
36751-36954.....5
36955-37088.....6
37089-37286.....7
37287-37448.....8
37449-37634.....11
37635-37780.....12
37781-37926.....13
37927-38190.....14
38191-38368.....15
38369-38506.....18

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6015.....37287
6016.....37441
6017.....37927
6018.....38191
6019.....38193
6020.....38195
6021.....38369

Administrative Orders:
Presidential Determinations:
No. 88-22 of Sept. 8, 1988 (*See* No. 89-25 Aug. 28, 1989).....37089
No. 89-24 of Aug. 25, 1989.....38371
No. 89-25 of Aug. 28, 1989.....37089
No. 89-26 of Aug. 31, 1989.....37929

5 CFR

302.....37091
315.....37091
532.....38197
872.....37092
873.....37092

Proposed Rules:
302.....37685
532.....37470
841.....36799

7 CFR

11.....37781
29.....36955
51.....38198
59.....37289
301.....36494
354.....37931
801.....36751
905.....37290
910.....36752, 37449, 38373
915.....36955
922.....37293
927.....38199
929.....37294
931.....38201
932.....36958, 38201
944.....36958
967.....37635
985.....37932
993.....36959
998.....37295
1036.....36752
1210.....38202
1250.....38206
1485.....37781
1550.....37781
1980.....37093

Proposed Rules:
52.....36982
425.....37116
907.....37687
908.....37687
911.....37336
920.....36984
932.....36985
971.....37337
982.....36803
1106.....36986
1126.....36986

8 CFR

204.....36753
210a.....36275

Proposed Rules:
287.....38387

9 CFR

78.....37449
201.....37094
310.....36755

Proposed Rules:
92.....36806, 36986

10 CFR

9.....36757

Proposed Rules:
30.....38239
33.....38239
35.....38239

12 CFR

225.....37297
265.....38373
327.....37935
Ch. V.....36757
611.....37094
Ch. IX.....36757
934.....36760

Proposed Rules:
561.....37944
563.....37944

13 CFR

120.....37095
122.....36760
124.....37636

Proposed Rules:
108.....37945

14 CFR

21.....37636
23.....37636
25.....37636
27.....37636
29.....37636
31.....37636
33.....37636
35.....37636
36.....37636
39.....36277-36287, 37302 38209-38214

43 37636
45 37636
47 37636
61 37636
63 37636
65 37636
71 ..... 37636, 38215, 38216
91 ..... 37636, 37762
93 37636
97 38217
99 37636
103 37636
108 36938
121 37636
125 37636
127 37636
133 37636
135 37636
137 37636
141 37636
1214 37940

Proposed Rules:

25 ..... 37414, 37768
39 ..... 36317-36323, 37338, 37470-37476, 38241-38251
71 ..... 36996, 36997, 37339, 37884, 38253
75 36998
91 36999
121 37414

16 CFR

Proposed Rules:

307 37117

17 CFR

30 37636
240 37786

Proposed Rules:

1 ..... 37001, 37004, 37117

18 CFR

154 37303
157 37303
260 37303
284 37303
385 37303
388 37303

19 CFR

162 37600
171 ..... 36960, 37600
175 37096
207 36289

Proposed Rules:

12 37187

20 CFR

404 37789
416 37789

Proposed Rules:

332 37007

21 CFR

81 37307
133 37531
184 38219
341 36762
430 38223
436 38374
448 38376
453 38223
455 38344
524 ..... 36962, 37097
558 ..... 36962, 37097
1316 37605

Proposed Rules:

109 36324
174 37340
175 37340
176 37340
177 37340
211 37342
1306 36815

22 CFR

136 37307

23 CFR

Proposed Rules:

625 38387
650 37343
655 38387
658 37344

24 CFR

8 37645
200 36765
206 36765
570 37410

Proposed Rules:

888 37124

26 CFR

1 ..... 37098, 37310, 37314
301 37451
510 37451
515 37451
602 ..... 37098, 37314, 37451

Proposed Rules:

1 ..... 37008, 37125, 37346, 37815, 37947
301 37478
602 ..... 37478, 37947

27 CFR

Proposed Rules:

55 36325

28 CFR

0 36304

29 CFR

1910 ..... 36644, 36765, 37531
2619 38225
2676 38227

Proposed Rules:

1602 37479
1627 37479

30 CFR

652 38377
890 38377
913 36963
936 37454

Proposed Rules:

931 37127
934 37128
935 37692
943 36817
950 37128

31 CFR

129 38227

32 CFR

51 36304
52 36304
83 36304
170 36304
262 36304
355 36304
518 36964
706 ..... 37324, 37325

Proposed Rules:

775 36818

33 CFR

1 37613
65 36304
117 36305
165 37108

Proposed Rules:

Ch. I 38358
117 ..... 37129, 38388, 38389
151 37084

34 CFR

222 37250
245 37874
246 37874
247 37874
668 37264
682 37264
745 37874

35 CFR

101 37326
113 37326
121 37326
123 37326

36 CFR

Proposed Rules:

1230 37693

37 CFR

1 37562
2 ..... 37562, 38041

Proposed Rules:

201 38390

38 CFR

6 38228
8 38228
21 ..... 37108, 37331

Proposed Rules:

4 37698
21 38254

39 CFR

111 ..... 37794, 38255
233 37795

40 CFR

52 ..... 36306, 36307, 36965, 37187, 37795
60 37534
61 38044
81 ..... 37187, 37645-37648
148 36967
261 ..... 36592, 37333
268 36967
271 36972
272 37649
721 38381
763 37531
790 36311
799 37799

Proposed Rules:

2 38156
52 ..... 36948, 37130, 37479, 37815, 37948
61 38083
81 ..... 37132, 37817
85 37009
180 ..... 36326-36329, 37009, 37278, 37403
185 37278
186 37278
271 37817
300 37949
307 37892
761 37698

41 CFR

101-1 37651
201-1 37462
201-8 37462
201-13 37462
201-38 37462
201-39 37462
201-40 37462
301-4 37810
302-6 37811
302-12 37811

42 CFR

412 36452
413 37270
424 37270
442 37466
482 37270
483 37270

Proposed Rules:

400 37220
405 36736
410 ..... 36736, 37190, 37422
413 36736
414 37208
417 37220
424 37422
466 37422
473 37422
485 37220
489 37220
494 36736

43 CFR

Public Land Orders:

2729 (Partially revoked by PLO 6744) 36973
6744 36973
6745 36973
6746 36973
6747 37812

44 CFR

64 ..... 36768, 36769, 38232

Proposed Rules:

67 38392
206 37952
353 36823

45 CFR

Proposed Rules:

302 37866
303 37866
304 37866
1180 36330
1214 38401

46 CFR

42 36974
44 36974
45 36974
56 36315
69 37652
164 36315

170.....36974
174.....36974
Proposed Rules:
25.....37084
64.....37482
98.....37482
170.....38410
171.....38410
173.....38410
175.....38410
176.....38410
177.....38410
178.....38410
179.....38410
180.....38410
181.....38410
182.....38410
183.....38410
184.....38410
185.....38410

47 CFR

1.....37681
73.....36316, 37108, 37109, 37682, 37683
Proposed Rules:
2.....37699
15.....36823
22.....37699
73.....37133-37137, 37699-37702
90.....37699

48 CFR

Ch. 2.....36772
702.....37334
734.....37334
752.....37334
1515.....36979
1552.....36979
Proposed Rules:
1403.....37959
1405.....37959
1415.....37959
1453.....37959
1529.....37081
1552.....37081

49 CFR

1.....38233
107.....38233
171.....38233
172.....38233
173.....38233
176.....38233
177.....38233
178.....38233
180.....38233
571.....38385
633.....36708
1056.....36980
Proposed Rules:
531.....37444, 37702

50 CFR

13.....38142
17.....37941
20.....36981, 37467
21.....36793, 38142
216.....37684
217.....37812
227.....37812
285.....38386
611.....37109, 37110, 37469
654.....38234
658.....38234
661.....37110
672.....37109, 37110
675.....37112, 37113, 37469
676.....37943
Proposed Rules:
17.....36823, 38256
23.....36823, 36827
Ch. VI.....36832
611.....36333
620.....36333
649.....37138
672.....36333
675.....36333

LIST OF PUBLIC LAWS

Last List: August 22, 1989

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

S.J. Res. 109 / Public Law 101-95

To designate the period commencing September 11, 1989, and ending on September 15, 1989, as "National Historically Black Colleges Week" (Sept. 13, 1989; 103 Stat. 630; 1 page) Price: $1.00.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

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Title	Price	Revision Date
1, 2 (2 Reserved)	$10.00	Apr. 1, 1989
3 (1988 Compilation and Parts 100 and 101)	21.00	[1] Jan. 1, 1989
4	15.00	Jan. 1, 1989
5 Parts:		
1–699	15.00	Jan. 1, 1989
700–1199	17.00	Jan. 1, 1989
1200–End, 6 (6 Reserved)	13.00	Jan. 1, 1989
7 Parts:		
0–26	15.00	Jan. 1, 1989
27–45	12.00	Jan. 1, 1989
46–51	17.00	Jan. 1, 1989
52	23.00	[2] Jan. 1, 1988
53–209	18.00	Jan. 1, 1989
210–299	24.00	Jan. 1, 1989
300–399	12.00	Jan. 1, 1989
400–699	19.00	Jan. 1, 1989
700–899	22.00	Jan. 1, 1989
*900–999	28.00	Jan. 1, 1989
1000–1059	16.00	Jan. 1, 1989
1060–1119	13.00	Jan. 1, 1989
1120–1199	11.00	Jan. 1, 1989
1200–1499	20.00	Jan. 1, 1989
1500–1899	10.00	Jan. 1, 1989
1900–1939	11.00	Jan. 1, 1989
*1940–1949	21.00	Jan. 1, 1989
1950–1999	18.00	Jan. 1, 1988
2000–End	9.00	Jan. 1, 1989
8	13.00	Jan. 1, 1989
9 Parts:		
1–199	20.00	Jan. 1, 1989
200–End	18.00	Jan. 1, 1989
10 Parts:		
0–50	19.00	Jan. 1, 1989
51–199	17.00	Jan. 1, 1989
200–399	13.00	[3] Jan. 1, 1987
400–499	14.00	Jan. 1, 1989
500–End	28.00	Jan. 1, 1989
11	10.00	[2] Jan. 1, 1988
12 Parts:		
1–199	12.00	Jan. 1, 1989
200–219	11.00	Jan. 1, 1989
220–299	19.00	Jan. 1, 1989
300–499	15.00	Jan. 1, 1989
500–599	20.00	Jan. 1, 1989
600–End	14.00	Jan. 1, 1989
13	22.00	Jan. 1, 1989
14 Parts:		
1–59	24.00	Jan. 1, 1989
60–139	21.00	Jan. 1, 1989
140–199	10.00	Jan. 1, 1989
200–1199	21.00	Jan. 1, 1989
1200–End	12.00	Jan. 1, 1989
15 Parts:		
0–299	12.00	Jan. 1, 1989
300–399	20.00	Jan. 1, 1988
800–End	14.00	Jan. 1, 1989
16 Parts:		
0–149	12.00	Jan. 1, 1989
150–999	14.00	Jan. 1, 1989
1000–End	19.00	Jan. 1, 1989
17 Parts:		
1–199	14.00	Apr. 1, 1988
200–239	14.00	Apr. 1, 1988
240–End	21.00	Apr. 1, 1988
18 Parts:		
1–149	15.00	Apr. 1, 1988
150–279	12.00	Apr. 1, 1988
*280–399	14.00	Apr. 1, 1989
400–End	9.00	Apr. 1, 1988
19 Parts:		
1–199	27.00	Apr. 1, 1988
200–End	5.50	Apr. 1, 1988
20 Parts:		
*1–399	13.00	Apr. 1, 1989
400–499	23.00	Apr. 1, 1988
500–End	25.00	Apr. 1, 1988
21 Parts:		
1–99	12.00	Apr. 1, 1988
100–169	14.00	Apr. 1, 1988
170–199	16.00	Apr. 1, 1988
200–299	6.00	Apr. 1, 1989
300–499	26.00	Apr. 1, 1988
500–599	20.00	Apr. 1, 1988
600–799	8.00	Apr. 1, 1989
800–1299	16.00	Apr. 1, 1988
1300–End	6.50	Apr. 1, 1989
22 Parts:		
1–299	22.00	Apr. 1, 1989
300–End	13.00	Apr. 1, 1988
23	16.00	Apr. 1, 1988
24 Parts:		
0–199	15.00	Apr. 1, 1988
200–499	26.00	Apr. 1, 1988
500–699	9.50	Apr. 1, 1988
700–1699	19.00	Apr. 1, 1988
1700–End	13.00	Apr. 1, 1989
25	24.00	Apr. 1, 1988
26 Parts:		
§§ 1.0-1–1.60	13.00	Apr. 1, 1988
§§ 1.61–1.169	23.00	Apr. 1, 1988
§§ 1.170–1.300	17.00	Apr. 1, 1988
§§ 1.301–1.400	14.00	Apr. 1, 1988
§§ 1.401–1.500	24.00	Apr. 1, 1988
§§ 1.501–1.640	16.00	Apr. 1, 1989
§§ 1.641–1.850	19.00	Apr. 1, 1989
§§ 1.851–1.1000	28.00	Apr. 1, 1988
§§ 1.1001–1.1400	17.00	Apr. 1, 1989
§§ 1.1401–End	21.00	Apr. 1, 1988
*2–29	20.00	Apr. 1, 1989
30–39	14.00	Apr. 1, 1989
40–49	13.00	Apr. 1, 1989
50–299	16.00	Apr. 1, 1989
300–499	15.00	Apr. 1, 1988
500–599	7.00	Apr. 1, 1989
600–End	6.50	Apr. 1, 1989
27 Parts:		
1–199	23.00	Apr. 1, 1988
200–End	13.00	Apr. 1, 1988
28	25.00	July 1, 1988

Title	Price	Revision Date
29 Parts:		
0–99	17.00	July 1, 1988
100–499	6.50	July 1, 1988
500–899	24.00	July 1, 1988
900–1899	11.00	July 1, 1988
1900–1910	29.00	July 1, 1988
1911–1925	8.50	July 1, 1988
1926	10.00	July 1, 1988
1927–End	24.00	July 1, 1988
30 Parts:		
0–199	20.00	July 1, 1988
200–699	12.00	July 1, 1988
700–End	18.00	July 1, 1988
31 Parts:		
0–199	13.00	July 1, 1988
200–End	17.00	July 1, 1988
32 Parts:		
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1–39, Vol. II	19.00	[4] July 1, 1984
1–39, Vol. III	18.00	[4] July 1, 1984
1–189	21.00	July 1, 1988
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7	6.00	[6] July 1, 1984
8	4.50	[6] July 1, 1984
9	13.00	[6] July 1, 1984
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19–100	13.00	[6] July 1, 1984
1–100	10.00	July 1, 1988
101	25.00	July 1, 1988
102–200	12.00	July 1, 1988
201–End	8.50	July 1, 1988

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42 Parts:		
1–60	15.00	Oct. 1, 1988
61–399	5.50	Oct. 1, 1988
400–429	22.00	Oct. 1, 1988
430–End	22.00	Oct. 1, 1988
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4000–End	11.00	Oct. 1, 1988
44	20.00	Oct. 1, 1988
45 Parts:		
1–199	17.00	Oct. 1, 1988
200–499	9.00	Oct. 1, 1988
500–1199	24.00	Oct. 1, 1988
1200–End	17.00	Oct. 1, 1988
46 Parts:		
1–40	14.00	Oct. 1, 1988
41–69	14.00	Oct. 1, 1988
70–89	7.50	Oct. 1, 1988
90–139	12.00	Oct. 1, 1988
140–155	12.00	Oct. 1, 1988
156–165	13.00	Oct. 1, 1988
166–199	14.00	Oct. 1, 1988
200–499	20.00	Oct. 1, 1988
500–End	10.00	Oct. 1, 1988
47 Parts:		
0–19	18.00	Oct. 1, 1988
20–39	18.00	Oct. 1, 1988
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Jan.1, 1988 to Dec.31, 1988. The CFR volume issued January 1, 1988, should be retained.

[3] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1988. The CFR volume issued January 1, 1987, should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] No amendments to this volume were promulgated during the period July 1, 1986 to June 30, 1988. The CFR volume issued as of July 1, 1986, should be retained.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

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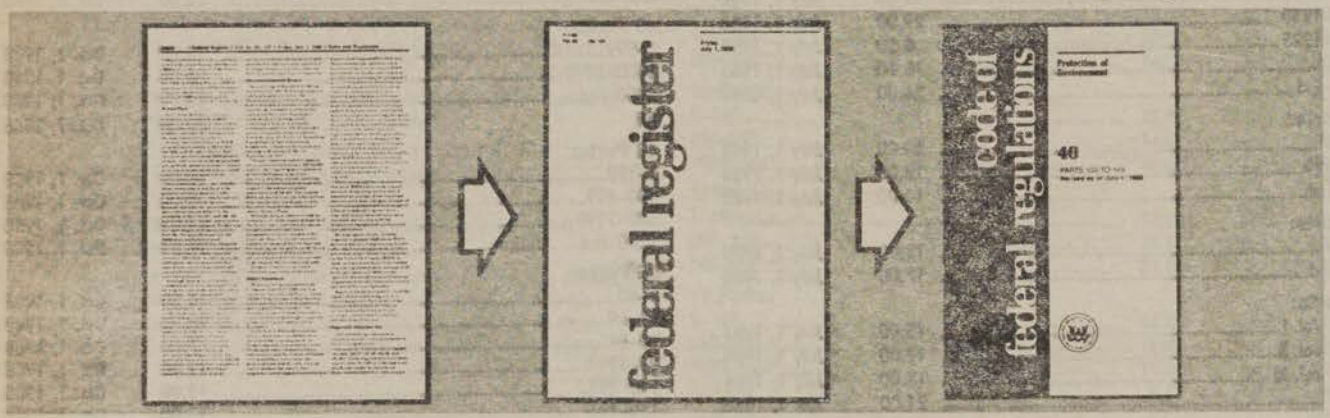

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